

Report on the

# Board of Cosmetology

Montgomery, Alabama



## Department of Examiners of Public Accounts

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June 22, 2011

Senator Paul Bussman  
Chairman, Sunset Committee  
Alabama State House  
Montgomery, AL 36130

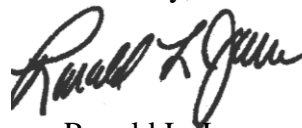
Dear Senator Bussman:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Cosmetology** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Cosmetology**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Ronald L. Jones  
Chief Examiner

Examiner:  
Glenn Davis



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# **PROFILE**

## **Purpose/Authority**

The Board of Cosmetology was first created by Act 653, *Acts of Alabama 1957*, and currently operates under authority of the *Code of Alabama 1975*, Sections 34-7A-1 through 34-7A-25. The board regulates the teaching and practice of cosmetology, which includes the registration and licensing of cosmetologists, manicurists, estheticians, apprentices, students, salons, and schools for cosmetologists, manicurists, and estheticians.

<b><u>Board Characteristics</u></b>	
<b>Members and Selection</b>	7 members appointed by the governor with the advice and consent of the Senate.  <i>Code of Alabama 1975</i> , Section 34-7A-3
<b>Term</b>	4-year, staggered terms No member may serve more than two 4-year terms.  <i>Code of Alabama 1975</i> , Section 34-7A-3
<b>Qualifications</b>	<ul style="list-style-type: none"><li>• At least 5 members must be active, licensed master or instructor cosmetologists. (3 master cosmetologists and 3 instructor cosmetologists currently serving)</li><li>• All licensee members must have at least 5 years practical experience in the majority of areas of cosmetology.</li><li>• Each member must reside in the congressional district which the member represents.</li></ul> <i>Code of Alabama 1975</i> , Section 34-7A-3
<b>Racial Representation</b>	No statutory requirement 3 black members currently serve on the board.
<b>Geographical Representation</b>	Each member represents one of the seven congressional districts of the state and must reside in the district they represent.  <i>Code of Alabama 1975</i> , Section 34-7A-3

<b>Consumer Representation</b>	<p>2 members <u>may</u> be consumers (not licensed by the board). 1 consumer (unlicensed) member is currently serving</p> <p><i>Code of Alabama 1975</i>, Section 34-7A-3</p>
<b>Other Representation</b>	<p>The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975</i>, Section 34-7A-3</p>
<b>Compensation</b>	<p>Board members receive \$100 per day for transacting board business, not to exceed \$5,000 annually.</p> <p>Members additionally receive the same travel allowances and expense reimbursements that are provided by law for state employees</p> <p><i>Code of Alabama 1975</i>, Section 34-7A-5</p>
<b><u>Operations</u></b>	
<b>Administrator</b>	<p>Bob McKee, Executive Director Annual Salary = \$72,297.00</p> <p>Appointed by the governor and serves at the pleasure of the governor</p> <p>Serves in the unclassified service of the state's Merit System.</p> <p><i>Code of Alabama 1975</i>, Section 34-7A-4(b).</p>
<b>Location</b>	<p>RSA Union Building 100 South Union Street, Suite 324 Montgomery, AL 36104</p> <p>Office Hours: Monday through Friday - 8:00 -5:00</p>

<b>Type of License</b>	<b>Personal Licenses as of 01/21/2011</b>			
		Cosmetologist	Manicurist	Esthetician
	Student	149	5	3
	Apprentice	338	431	17
	Pending Exam	570	184	62
	Regular	5,140	1,061	346
	Managing	12,119	1,332	208
	Master	1,441	968	91
	Instructor	514	13	15
	<b>Subtotal</b>	<b>20,271</b>	<b>3,994</b>	<b>742</b>
	Shampoo Asst.	824		
	Demonstrator	25		
	<b>Total Personal</b>	<b>25,856</b>		
<b>Premise Licenses as of 1/21/2011</b>				
	Booth		867	
	Cosmetology Salon		4,499	
	Manicurist Salon		630	
	Esthetician Salon		96	
	Cosmetic Studio		3	
	<b>Total Premise</b>		<b>6095</b>	
<b>School Licenses as of 1/21/2011</b>				
	Cosmetology School		32	
	Manicurist School		1	
	Esthetician School		4	
	<b>Total School</b>		<b>37</b>	
<b>Total Licenses</b>			<b>31,988</b>	
<b>Renewal</b>	<ul style="list-style-type: none"> <li>• Renewals can be made by mail or online. <b>20.02% online renewal for 2010</b></li> <li>• Personal licenses renew on the last day of the licensee's birth month in odd-numbered years. If the application for renewal is received more than 5 days after the expiration date, a late fee is assessed.</li> <li>• Booth, Salon, Studio, and School licenses renew on September 30 in odd-numbered years. If the application for renewal is received more than 31 days after the expiration date, a late fee is assessed.</li> </ul> <p><b>Code of Alabama 1975, Section 34-7A-9</b></p>			



<b>Examinations</b>	<ul style="list-style-type: none"><li>• Written examinations are prepared by the National Interstate Compact of Boards of Cosmetology (NIC). PSI Services, LLL provides testing Tests are available to candidates by computer-based testing at Huntsville, Birmingham, Montgomery, and Mobile.</li><li>• Practical examinations are administered monthly by Professional Credential Services, Inc. in Huntsville, Birmingham, Montgomery and Mobile.</li></ul> <p>Pass/Fail Rates for Written and Practical Examinations October 1, 2006 through September 30, 2010</p> <table><tr><th>Exam</th><th>Total</th><th>Pass</th><th>Fail</th><th>%Pass</th><th>National % Pass</th></tr><tr><td>Nail Practical</td><td>499</td><td>389</td><td>110</td><td>85.3</td><td>78</td></tr><tr><td>Nail Theory</td><td>1,115</td><td>411</td><td>704</td><td>36.5</td><td>61</td></tr><tr><td>Esthetics Practical</td><td>286</td><td>258</td><td>28</td><td>90</td><td>91.5</td></tr><tr><td>Esthetics Theory</td><td>373</td><td>296</td><td>77</td><td>79</td><td>77</td></tr><tr><td>Instructor Practical</td><td>208</td><td>148</td><td>60</td><td>63</td><td>78</td></tr><tr><td>Instructor Theory</td><td>229</td><td>188</td><td>41</td><td>82</td><td>82</td></tr><tr><td>Cosmetology Practical</td><td>3,435</td><td>3,318</td><td>117</td><td>97</td><td>94</td></tr><tr><td>Cosmetology Theory</td><td>4,280</td><td>3,714</td><td>566</td><td>87</td><td>85</td></tr></table>	Exam	Total	Pass	Fail	%Pass	National % Pass	Nail Practical	499	389	110	85.3	78	Nail Theory	1,115	411	704	36.5	61	Esthetics Practical	286	258	28	90	91.5	Esthetics Theory	373	296	77	79	77	Instructor Practical	208	148	60	63	78	Instructor Theory	229	188	41	82	82	Cosmetology Practical	3,435	3,318	117	97	94	Cosmetology Theory	4,280	3,714	566	87	85
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<b>Continuing Education</b>	<ul style="list-style-type: none"><li>• Regular personal licensees are not required to obtain continuing education.</li><li>• To upgrade a manager license to a master license, the applicant must obtain 8 hours of board-approved continuing education.</li><li>• Upon renewal, master-level licensees must obtain 8 hours of board-approved continuing education.</li><li>• Upon renewal, instructors must obtain 16 hours of board-approved continuing education.</li></ul> <p><i>Code of Alabama 1975, Section 34-7A-22 and Administrative Rule 250-X-2-.04</i></p>																																																						

<b>Reciprocity</b>	<p>The board has no true reciprocity agreement with other states. However, the board's governing statutes provide that an applicant may receive a personal license without taking the licensing exam if:</p> <ul style="list-style-type: none"> <li>• The applicant is currently licensed in good standing in another state, AND</li> <li>• Can provide evidence of passing a board approved examination, OR</li> <li>• Can provide documentation of having practiced as a licensee in the appropriate field for at least 5 years prior to application.</li> <li>• Pays the required license fee</li> </ul> <p><i>Code of Alabama 1975, Section 34-7A-9</i></p>																										
<b>Employees</b>	The board employs 28 Merit System employees																										
<b>Legal Counsel</b>	<p>Billington Garrett</p> <p>Employee of the Attorney General's Office</p>																										
<b>Subpoena Power</b>	None, other than as provided in the state's Administrative Procedure Act for disputed cases.																										
<b>Internet Presence</b>	<p>The board's internet address is: <a href="http://www.aboc.alabama.gov">www.aboc.alabama.gov</a></p> <p>The website contains:</p> <table border="1"> <tr> <td><b>Home</b></td><td>Welcome information, mission statement</td></tr> <tr> <td><b>Contacts</b></td><td>Address, phone numbers, e-mail</td></tr> <tr> <td><b>Law</b></td><td>The board's governing statutes and administrative code</td></tr> <tr> <td><b>Proposed Rules</b></td><td>Proposed changes to the board's administrative code</td></tr> <tr> <td><b>Alabama.gov</b></td><td>A link to Alabama.gov</td></tr> <tr> <td><b>Privacy</b></td><td>A link to ISD's privacy statement</td></tr> <tr> <td><b>Applications</b></td><td>Downloadable Applications</td></tr> <tr> <td><b>Continuing Education</b></td><td>Board approved seminars by month</td></tr> <tr> <td><b>Examinations</b></td><td>Computer-based test information, candidate information bulletins, sample test questions, practical examination test dates</td></tr> <tr> <td><b>Fees</b></td><td>Fees</td></tr> <tr> <td><b>Complaints</b></td><td>General investigative outline, downloadable complaint form</td></tr> <tr> <td><b>FAQ</b></td><td>Frequently asked questions</td></tr> <tr> <td><b>Reciprocity</b></td><td>Downloadable license certification request, other reciprocity information</td></tr> </table>	<b>Home</b>	Welcome information, mission statement	<b>Contacts</b>	Address, phone numbers, e-mail	<b>Law</b>	The board's governing statutes and administrative code	<b>Proposed Rules</b>	Proposed changes to the board's administrative code	<b>Alabama.gov</b>	A link to Alabama.gov	<b>Privacy</b>	A link to ISD's privacy statement	<b>Applications</b>	Downloadable Applications	<b>Continuing Education</b>	Board approved seminars by month	<b>Examinations</b>	Computer-based test information, candidate information bulletins, sample test questions, practical examination test dates	<b>Fees</b>	Fees	<b>Complaints</b>	General investigative outline, downloadable complaint form	<b>FAQ</b>	Frequently asked questions	<b>Reciprocity</b>	Downloadable license certification request, other reciprocity information
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<b>Attended Board Member Training</b>	3 board members Senior accountant Account clerk
<b><u>Financial Information</u></b>	
<b>Source of Funds</b>	Licensing fees, fines and penalties
<b>State Treasury</b>	Yes, Fund 357
<b>Unused Funds</b>	Retained by the board for future appropriation <i>Code of Alabama 1975</i> , Section 34-7A-5
<b>Required Transfers</b>	None

## **SIGNIFICANT ISSUES**

### **Significant Issue 2011-01**

**Ten of 35 (29%) personal licensees who responded to our questionnaire** stated that the board did not approve sufficient providers for continuing education courses. According to the executive director, the board approves continuing education seminars for one year at a time. For the period 2/1/2011 – 1/31/2012 there are 13 approved seminar providers shown on the board's Internet website, along with contact information. Approved seminar dates are also listed on the board's Internet website for 2011 (1-5 seminars per month for January through November).

### **Significant Issue 2011-02**

Fifteen of 35 (43%) personal licensees who responded to our questionnaire stated that they were not adequately informed by the board of changes to rules and laws. According to the executive director, licensees are notified of proposed changes to rules in the manner required by the state's Administrative Procedures Act, which includes publication of proposed rules in the Administrative Monthly and a period reserved for public comment. He also stated that rule changes are posted to the board's Internet website and published in the board's newsletter, which is produced approximately every 6 months. The executive director further stated that a book containing the board's licensing law and administrative rules is updated annually and provided to the licensees. A review of the board's website revealed that the board's licensing law and administrative rules are posted in their entirety on the board's Internet website. There is also a separate section for proposed rules.

## **STATUS OF PRIOR SIGNIFICANT ISSUES**

### **Prior Significant Issue 2006-01**

**The proliferation of unlicensed barbershops offering essentially the same services as cosmetologists reduces the board's ability to regulate the practice of cosmetology.** A review of "problem" inspections (unlicensed shops, shops with license violations, shops with low inspection scores, shops that could not be inspected) from 6/03 through 8/04 shows of 130 problem inspections, 55 or 42% were unlicensed shops. The board's procedure upon discovering an unlicensed shop is to explain cosmetology is a licensed profession in Alabama and to leave an application for licensure with the shop manager. However, unless the unlicensed shop is performing nail services, there is no legal requirement for the shop to become licensed, as the definitions of cosmetologist services and the barber services exempted from the cosmetology licensing law are substantially the same.

**Status - 2008 Sunset Review-** The status of the exemption in the board's governing statutes remained unchanged. The board introduced a bill in the 2005 legislative session that would have affected the exemption; however, the bill did not become law. The executive director stated that this condition remains a problem for the board. Of the 59 (of 200) personal licensees who responded to the questionnaire, 11, or 18.6%, believe unlicensed operators and shops to be a significant issue to the profession of cosmetology.

Of the 40 (of 100) salon and school owners who responded to the questionnaire, 13, or 32.5%, believe that unlicensed operators and shops are a significant issue to the profession of cosmetology.

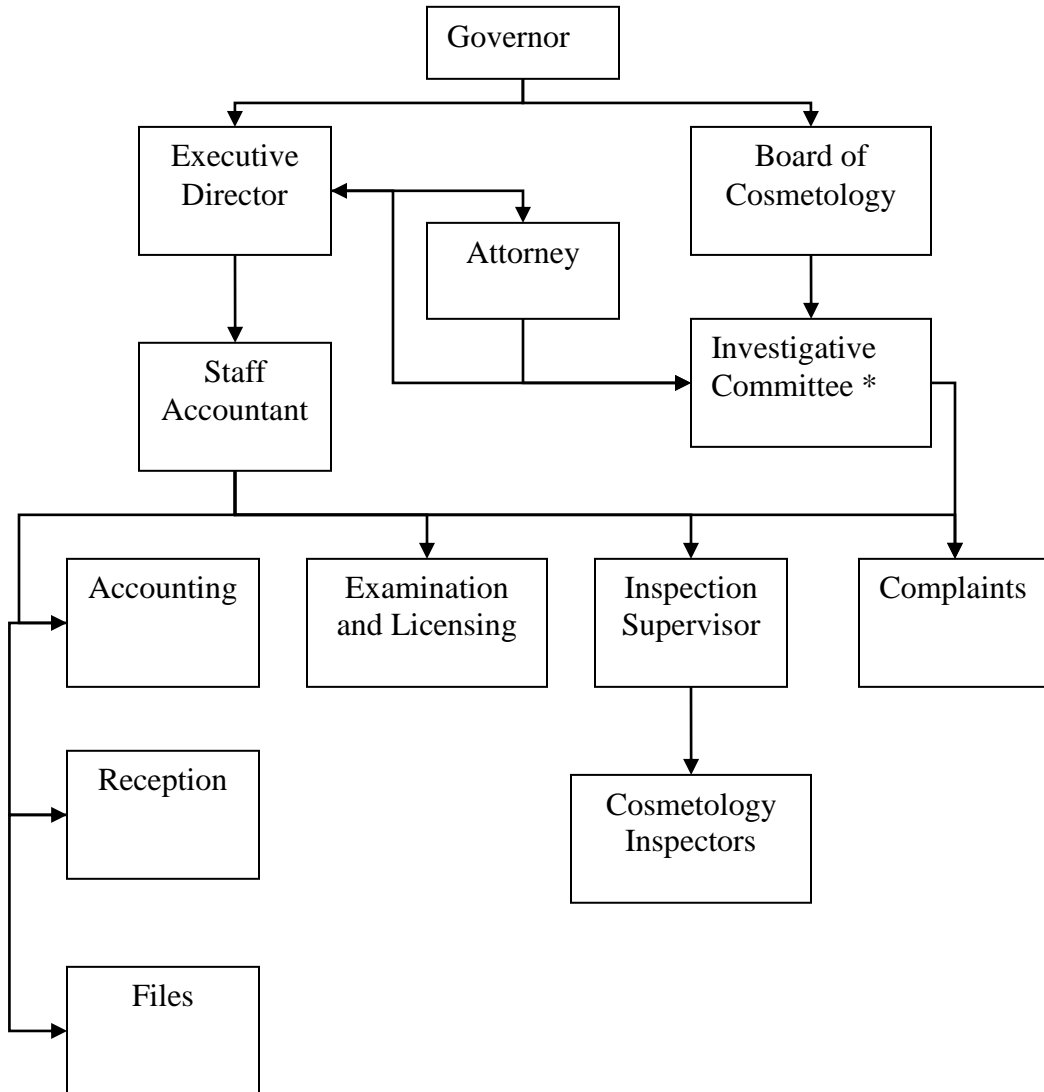
**Current Status - 2011** - The exemptions in the board's governing statutes remain unchanged. According to the executive director and responses received from questionnaires sent to board members and licensees, this condition remains a matter of concern. Responses to our questionnaire on this issue are as follows:

- Four of six board members indicated that the lack of regulation of barbers is a significant issue,
- 43% of personal licensees (15 of 35 respondents) believe unlicensed operators and shops to be a significant issue to the profession of cosmetology,
- 43% of salon and school owners (24 of 56 respondents) believe that unlicensed operators and shops are a significant issue to the profession of cosmetology.

HB 531 of the 2011 legislative session, would have recreated the licensing law to include licensing and regulation of barbers and would have altered board membership to include two barbers, two cosmetologists, an esthetician, a manicurist, and a consumer. The bill did not become law.

*The exemptions at issue can be found on page 61 in this report in the **Code of Alabama 1975**, Section 37-7A-19(3).*

## ORGANIZATION



- The investigative committee consists of the executive director, the attorney and one board member

## **PERSONNEL**

The board currently employs 28 persons, consisting of an executive director appointed by the governor in the unclassified service of the state's Merit System, and 27 employees who serve in the classified service of the state's Merit System.

Billington Garrett, an employee of the Attorney General's Office, provides legal services for the board.

### **Schedule of Employees**

<b>Classification</b>	<b>Number</b>	<b>Race</b>	<b>Gender</b>
Executive Director	1	White	Male
Staff Accountant	1	White	Female
Account Clerk	3	White	Female
Accounting Technician	1	White	Female
Legal Research Assistant	1	White	Female
Inspector	7	White	Female
Inspector	1	Black	Female
Administrative Support Asst. III	2	White	Female
Administrative Support Asst. II	2	Black	Female
Administrative Support Asst. II	1	White	Female
Administrative Support Asst. II	1	White	Male
Administrative Support Asst. I	3	Black	Female
Administrative Support Asst. I	3	White	Female
Clerk	1	White	Female
<b>Total</b>	<b>28</b>		

## **PERFORMANCE CHARACTERISTICS**

**Number of Licensees per Employee as of January 2011** – 1,143

**Operating Disbursements per Licensee (2009-2010 Fiscal Year)** – \$66.32

**Number of Persons per Licensee in Alabama and Surrounding States**

	<b>Population*</b>	<b>Licensees</b>	<b>Persons per Licensee</b>
<b>Alabama</b>	<b>4,779,736</b>	<b>31,988</b>	<b>150</b>
Florida	18,801,310	96,050	196
Georgia	9,687,653	73,173	133
Mississippi	2,967,297	28,304	105
Tennessee	6,346,105	46,984	136

*\*2010 U.S. Census*

### **Notification to Licensees of Board Decisions to Amend Administrative Rules**

The board complied with procedures prescribed in the Administrative Procedure Act, which include publication of proposed rules in the Administrative Monthly and public hearings on proposed rules. Licensees are also notified of proposed changes through placement of proposed changes on the board's Internet website and through publication in a non-periodic newsletter.

### **Inspections**

The board inspects booths, salons, and schools:

- Prior to the salon or school opening, as a qualification for receiving its initial license, and
- Periodically, the board conducts inspections to monitor compliance with Alabama laws and board rules and regulations. A board goal is to inspect all facilities every 8 months. According to the inspection supervisor, the board is currently inspecting facilities approximately every 4 to 6 months.

<b>Inspections Performed per Fiscal Year</b>			
2006-07	2007-08	2008-09	2009-10
6,684	7,027	7,506	8,419
Source: board staff			

To document compliance with Alabama laws and board rules and regulations, salons and schools must achieve 80 to 100 points on inspection reports. Facilities receiving less than 80 for any violation except license violations (i.e. late renewal or unlicensed shop) on an inspection report must be re-inspected within 90 days. Any facility receiving a score of less than 80 on its re-inspection within the 90-day period is considered in violation of the laws and regulations of the board and may be subject to disciplinary action as decided by the board, which may include, but not be limited to, a fine of up to \$500.

### **Inspection Process**

<b>Inspections Performed</b>	<p>The inspectors approach and review all cosmetology salons, including barber and style shops.</p> <p><u>At barber or style shops:</u></p> <ul style="list-style-type: none"><li>• The inspector ascertains what services are being offered. If nail services, waxing, or hair weaving are being offered, the shop is offering non-exempt cosmetology services and the shop, and workers performing the services must be licensed.</li><li>• If the barber or style shop employs licensed cosmetologists, the licensed cosmetologists are inspected for compliance with laws and rules, including currency and display of license.</li><li>• If the barber or style shop is not performing cosmetology services or employing licensed cosmetologists, then the inspector leaves the shop.</li></ul>
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	<p><u>At a cosmetology, esthetics, or nail salon:</u></p> <ul style="list-style-type: none"> <li>• The inspector reviews the salon and workers for compliance with laws and rules.</li> </ul> <p>Once the inspection is complete, the owner or manager signs the inspection form. The inspector gives a copy of the form to the owner or manager and retains the prior inspection form to send into the board office along with all other paperwork.</p>
<b>No Violations</b>	<p>Inspection reports and paperwork are returned to the board's office. They are reviewed and then entered into the board's licensing database. Once entered, the report is filed in the facility's permanent license file.</p>
<b>Licensing Violations</b>	<p>If licensing violations are found during the inspection the following actions are taken:</p> <p><u>Unlicensed Salons:</u></p> <ul style="list-style-type: none"> <li>• If the salon license is not current or the salon is not registered and is performing cosmetology services, the inspection report is scored with a "0". The board does not have authority to close an unlicensed shop.</li> </ul> <p><u>Unlicensed workers:</u></p> <ul style="list-style-type: none"> <li>• If a salon employs non-current or unlicensed workers, the inspection report is scored with a "0".</li> </ul> <p>When a salon's inspection scores a "0" due to licensing issues, it is automatically sent to the executive director's office for processing as a complaint. (See complaint procedures below.)</p>
<b>Practice Violations</b>	<ul style="list-style-type: none"> <li>• If a cosmetology salon or a cosmetologist is found not to be complying with practice requirements, such as unsanitary surroundings and equipment or using proscribed equipment or chemicals, points are deducted on the inspection form. If the salon scores below 80 on the inspection form, the salon fails its inspection. The salon is required to correct the violations within 30 days.</li> <li>• Inspectors take random samples of chemicals used in the salon. Samples are sent to the Alabama Department of Environmental Management (ADEM) for testing to identify the chemicals.</li> <li>• Inspection reports from premises where use of banned chemicals is suspected are sent to the executive director's office to await the results of the ADEM lab test. If the results verify a banned chemical, the</li> </ul>

	<p>inspection report, even if it scores above 80 points, is processed as a complaint for use of banned chemicals. (See complaint process below).</p> <ul style="list-style-type: none"> <li>• Inspection reports where banned equipment is found, even if the report scores above 80 points, is sent to the executive director's office to be processed as a complaint, since the equipment is banned from use. (See complaint process below).</li> </ul>
<b>Re-Inspections</b>	<ul style="list-style-type: none"> <li>• Practice Violations — The salon is inspected again and receives points based on whether the violations have been corrected. If the score is less than 80, the shop fails its inspection again.</li> </ul> <p>When the re-inspection reports are returned to the board's offices, they are reviewed and entered into the board's licensure database. If the practice violations have continued, the report is forwarded to the executive director's office where it is filed and handled as a complaint (the board is considered the complainant). See complaint process on next page.</p>

## **COMPLAINT HANDLING**

The board's complaint and disciplinary process is set forth in its *Administrative Code*, Rules 250-X-1-.01 through 250-X-1-.11. In addition, the *Code of Alabama 1975*, Sections 34-7A-15 through 34-7A-17, contain guidance relevant to the complaint and disciplinary process. A review of a sample of disciplinary files indicates that complaints and any discipline associated with the complaints are being handled according to the board's established procedures and laws.

### **Resolution of Complaints by Fiscal Year**

Complaints Received In		Complaints Resolved In					
		2007	2008	2009	2010	2011	Pending
<b>2007</b>	333	223	90	13	7	0	0
<b>2008</b>	415		292	92	18	13	0
<b>2009</b>	299			188	83	19	9
<b>2010</b>	537*				310	88	139

Source: Complaints Data File

\*Through 11/29/2010

Average Time to Resolve Complaints			
<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010*</b>
147 days	162 days	146 days	123 days

\*Through 11/23/2010

## **Complaint Process**

<b>Initial Documentation</b>	<ul style="list-style-type: none"><li>• Complaints must be in writing, signed by the complainant.</li><li>• Complaints can be faxed, mailed, or e-mailed to the board's office.</li><li>• A form is available for download on the board's website, and can be requested from the office staff. The form itself is not required, so long as the complaint is in writing and identifies the person complaining.</li><li>• Complaints are logged when received and tracked through the investigation/resolution process.</li></ul>
<b>Anonymous Complaints</b>	<ul style="list-style-type: none"><li>• The board does not investigate anonymous complaints. The board's administrative code defines a complaint as a written document signed by the complainant.</li></ul>
<b>Origin of Complaints</b>	<ul style="list-style-type: none"><li>• Complaints are received from the public as described above, or</li><li>• The board has the authority, either through routine inspection or on the basis of information received, to conduct an investigation or inspection and file a complaint against a licensee.</li></ul>
<b>Administrative Process</b>	<p><b>Public Complaints:</b></p> <ul style="list-style-type: none"><li>• The complaint is reviewed and entered into a computerized tracking system, and given a number. A complaint folder is prepared. The most recent inspection is reviewed and, depending on the complaint, an inspection may be requested.</li><li>• An acknowledgement letter is sent to the complainant and to the respondent, who also receives a copy of the complaint. The complaint is then added to the investigative committee's agenda</li></ul>

	<p><b>Board Complaints:</b></p> <ul style="list-style-type: none"> <li>• Inspection reports are reviewed and the status of the salon license and the licenses of any person listed on the inspection report is determined. Any sanitation violations are reviewed.</li> <li>• <u>If the salon license is not current or if the salon is not registered</u>, a letter is sent to the owner with a new or renewal salon application, whichever is applicable. The owner is given 15 days to respond. If no response is received, the matter is set for a cease and desist letter (if neither the owner nor the salon is licensed) or hearing (if the owner holds a current license).</li> <li>• <u>If the salon license is current</u>, a 30 day reminder is placed on the report, from the date of inspection. When 30 days elapse, the salon is contacted to see if the violations have been corrected. If they have not been, the matter is added to the investigative committee agenda</li> </ul>
<b>Investigative Committee</b>	<ul style="list-style-type: none"> <li>• The investigative committee, consisting of the executive director, the board's attorney, and one board member, reviews public complaints and board complaints and makes a recommendation to the board. The recommendation could be to set a settlement amount (consent order), to reinspect, or to hold a hearing. The investigation committee could also recommend that the complaint be dismissed, if committee determines that the complaint does not fall within the scope of the board's regulatory authority or that there is no probable cause to believe that a violation of the board's licensing law or rules has occurred. At this point, the complaint is entered into the computerized tracking system, a number is assigned, and a folder is opened.</li> </ul>

<b>Board Review</b>	<p>The investigative committee's recommendations are presented to the board at its next meeting. The investigative committee board member is recused from voting on recommended actions.</p> <ul style="list-style-type: none"> <li>• If the recommendation for a consent order is sustained, a letter is sent to the licensee with the violations listed and the licensee is offered a settlement amount. The licensee is given 21 days to correct the violation(s) and pay the settlement amount or request a hearing.</li> <li>• If the recommendation for a hearing is sustained, a hearing is scheduled by the board.</li> <li>• If a recommendation for re-inspection or further investigation is sustained or requested by the board, a re-inspection or further investigation is completed by the investigation committee, and the results are presented to the board.</li> <li>• If a recommendation for dismissal is sustained, the complaint is closed.</li> </ul>
<b>Settlement Accepted by Respondent</b>	<ul style="list-style-type: none"> <li>• If the settlement amount is paid and the acknowledgement of guilt section of the letter is signed by the accused, the complaint is closed. A letter is sent to the owner stating the complaint is closed.</li> </ul>
<b>Settlement Rejected by Respondent</b>	<ul style="list-style-type: none"> <li>• If the proposed settlement is rejected, a hearing date is scheduled.</li> <li>• If the accused reconsiders and pays the settlement amount prior to the hearing, the hearing is cancelled and the complaint is closed. A letter is sent to the owner stating the complaint is closed.</li> </ul>

<b>Hearing</b>	<ul style="list-style-type: none"> <li>• If a proposed settlement continues not to be accepted by the accused, the scheduled hearing is held and adjudicated by an administrative hearing officer employed under contract with the board. After the hearing, the hearing officer reviews the transcript and makes a recommendation concerning the complaint. The recommendation is sent to all board members for their information.</li> </ul>
<b>Board Approval</b>	<ul style="list-style-type: none"> <li>• The board reviews the hearing officer's recommendation at the next board meeting. If the next board meeting is more than 30 days past the date of the judge's recommendation, a meeting is called to review the recommendation. The board votes on whether to accept or reject the hearing officer's recommendation. After the board votes, a final order is entered into the board's minutes and sent to the respondent.</li> </ul>
<b>Additional Action</b>	<ul style="list-style-type: none"> <li>• If the respondent complies with the board's final order or pays the settlement amount, the case is closed. If the respondent does not comply with the board's final order or pay the settlement amount, a second complaint may be issued and a recommendation of stronger action may be forthcoming, such as license suspension or revocation. The matter may also be referred to a local district attorney, if the board's legal counsel believes that is a better course of action.</li> </ul>

## **SMART Governing**

We reviewed the board's SMART performance goals and objectives for the 2010 through 2011 fiscal years and make the following observations. The board's SMART performance reports are included in the appendices of this report.

<u>2010 Goals</u>				
Goals			Observations/Conclusions	
G01 - 90% of license renewals to be completed on-line by the year 2011.			The goal appears appropriate, and Objective (O-1 Efficiency) is directly related to the goal	
G02 - To reduce returned applications to 15% or below by the year 2012			The goal appears appropriate , and Objective (O-2 Efficiency) is directly related to the goal	
<u>2010 Objectives</u>				
Objectives	Unit of Measure	Target	Actual	Comments
To increase the percentage of renewal applications processed on-line.	Percent of renewal applications.	75%	67%	Appears appropriate
To decrease the percentage of returned applications by 2% per year	Percent of applications.	17%	34%	Appears appropriate

<u>2011 Goals</u>				
Goals		Observations/Conclusions		
G01 - 90% of license renewals to be completed on-line by the year 2011		Goals are long-term targets, by definition. This goal has no long-term target.		
G02 - To reduce returned applications to 15% or below by the year 2012.		Appears appropriate		
<u>2011 Objectives</u>				
Objectives	Unit of Measure	Target	Actual	Comments
To increase the percentage of renewal applications processed on-line	Percent of renewal applications	75%	Year not yet complete	Appears appropriate

Objectives	Unit of Measure	Target	Actual	Comments
To decrease the percentage of returned applications by 2% per year	Percent of applications	17%	Year not yet complete	Appears appropriate

## **FINANCIAL INFORMATION**

The board operates from Special Revenue Fund 357 in the State Treasury. The board's operating funds are generated from fees collected from licensing fees. The board is subject to the state's normal budget procedures and cannot expend funds without a legislative appropriation. Unexpended balances in the board's fund at year-end are retained by the board for future operations.

### **Schedule of Fees**

The *Code of Alabama 1975*, Section 34-7A-11, authorizes the board to set fees at its discretion. Licenses are valid for a two-year period. The following fees have been set by the board's Administrative Rule 250-X-2-.01

Fee	\$ Amount Collected
Written examination fee	75.00
Practical examination fee	45.00
Original licensee fee	15.00
Personal License Fee	80.00
Personal inactive renewal fee	35.00
New salon fee	150.00
If received before September 1 in a renewal year	100.00
Salon type change	150.00
Salon relocation to a different county	150.00
Salon renewal fee	100.00
Salon name change and/or owner change	25.00
Salon relocation in same county	50.00
New booth fee	80.00
If received before September 1 in a renewal year	50.00
Booth renewal fee	80.00
Booth relocation fee	25.00
New School fee	300.00
If received before September 1 in a renewal year	200.00
School renewal fee	150.00
School Name Change	25.00
School Relocation	75.00
School Ownership/ Controlling Interest Change	25.00
Reciprocity fee	100.00
Apprentice fee	40.00
Apprentice change of master, salon, or both	25.00



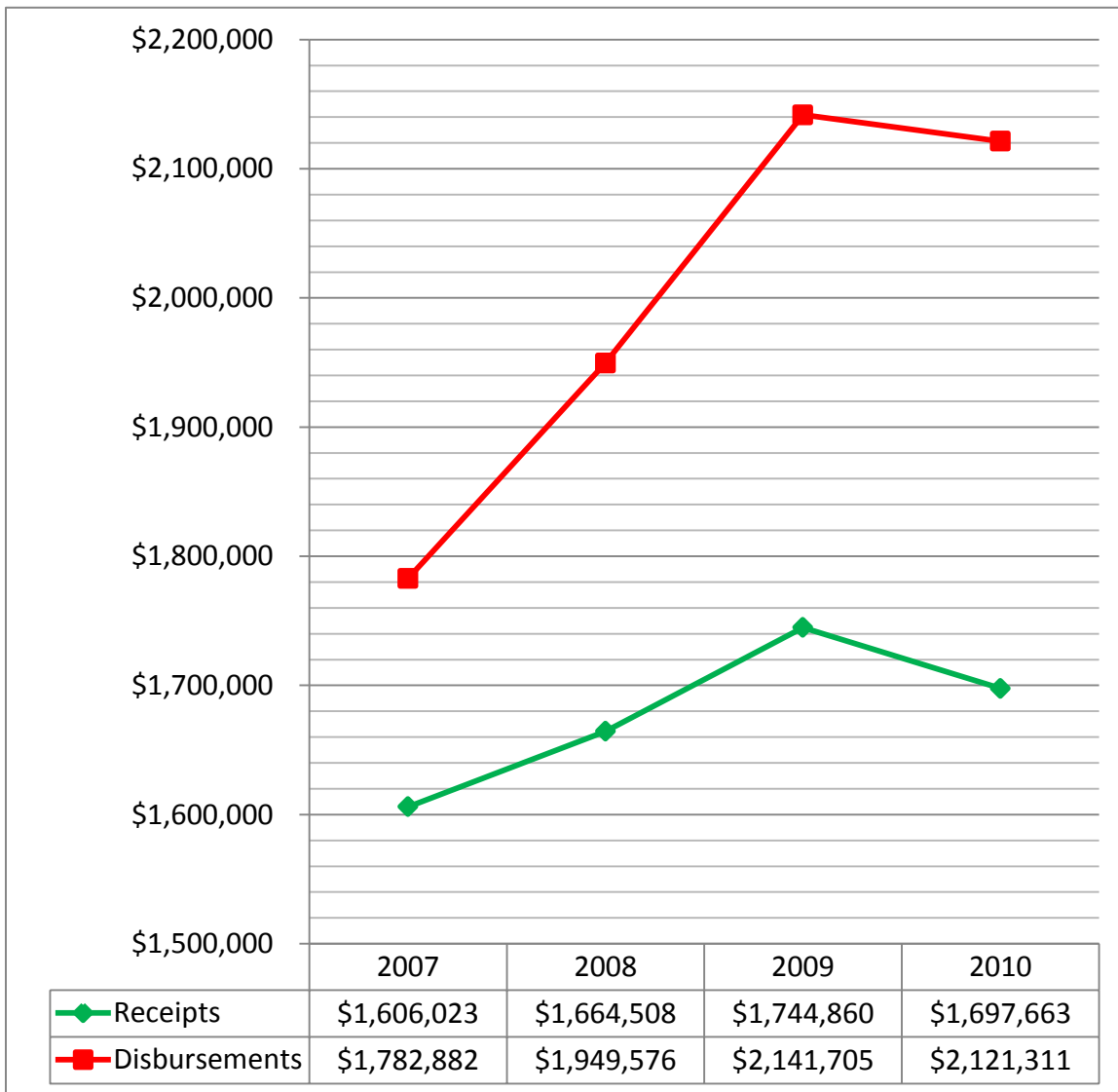
Shampoo assistant original fee	40.00
Shampoo assistant renewal fee	40.00
Replacement license fee	25.00
Duplicate license for instructors	25.00
License upgrades for manager and master	15.00
Late fee (through 6/30/2009)	25.00
Late fee (as of 7/1/2010)	50.00
Change to Continuing Education Proposal	25.00
Administrative fine	Up to 500.00
E-mail file of licensee mailing list	30.00
Diskette file of licensee mailing list	35.00
Bad Check Charge ( <i>Code of Alabama 1975</i> , Section 8-8-15)	30.00

**Schedule of Operating Receipts, Disbursements, and Balances**  
**October 1, 2006 through September 30, 2010**

	2009-10	2008-09	2007-08	2006-07
<b><u>Receipts</u></b>				
Cosmetologist Licensing Fees	\$ 1,582,570.50	\$ 1,669,064.50	\$ 1,538,674.05	\$ 1,522,489.70
Licensee Registration Lists	2,365.00	2,510.00	2,910.00	3,380.00
Administrative Penalties	111,625.00	71,225.00	116,675.00	77,675.00
Bad Check Fees	810.00	390.00	990.00	570.00
Reimbursements Not Classified	-	337.30	414.70	40.50
Prior Year Ref.	100.00	1,333.34	4,843.10	-
Salvage Equipment Proceeds	192.64	-	1.37	1,867.55
Total Receipts	1,697,663.14	\$1,744,860.14	1,664,508.22	1,606,022.75
<b><u>Disbursements</u></b>				
Personnel Costs (1)	881,833.16	888,655.18	811,567.47	748,309.55
Employee Benefits	412,187.05	399,446.62	361,588.85	335,351.42
Travel In-State	148,688.90	175,944.10	244,233.38	214,795.03
Travel Out-of-State	15,391.60	4,880.72	3,917.47	10,270.66
Repairs and Maintenance	5,278.81	9,825.43	1,200.00	3,126.55
Rentals and Leases (2)	180,018.94	166,463.86	133,631.07	130,413.31
Utilities and Communications	66,011.67	64,605.20	62,900.65	59,538.98
Professional Services (3)	372,356.41	370,760.98	267,665.30	201,058.27
Supplies, Materials and Operating Expenses	36,049.53	36,503.22	54,688.65	47,047.18
Transportation Equipment Operations	3,494.74	2,043.19	2,900.57	3,605.69
Transportation Equipment Purchases	-	-	-	24,159.36
Other Equipment Purchases	-	22,576.81	5,282.53	5,206.06
Total Disbursements	2,121,310.81	2,141,705.31	1,949,575.94	1,782,882.06
Excess (Deficiency) of Receipts over Disbursements	(423,647.67)	(396,845.17)	(285,067.72)	(176,859.31)
Cash Balances at Beginning of Year	1,944,444.67	2,341,289.84	2,626,357.56	2,803,216.87
Cash Balances at End of Year	1,520,797.00	1,944,444.67	2,341,289.84	2,626,357.56
Reserved for End of Year Obligations	(177,911.50)	(159,150.75)	(153,513.06)	(147,371.83)
Unobligated Cash at End of Year	\$ 1,342,885.50	\$ 1,785,293.92	\$ 2,187,776.78	\$ 2,478,985.73

- (1) Increases since 2006-07 due to retirement costs and additional personnel (Source = Exec Dir)  
(2) Increases in 2009-10 and 2008-09 due to acquiring additional space (Source = Exec Dir)  
(3) Increases in 2009-10 and 2008-09 due to increased website & tech services costs and increased use of administrative law judges (Source = Exec Dir)

### Operating Receipts vs. Operating Disbursements (Chart)



## **QUESTIONNAIRES**

### **Board Member Questionnaire**

Questionnaires were sent to all seven board members. Six responded.

#### **Question #1**

**What is the most significant issues currently facing the Board of Cosmetology and how is the Board addressing these issues?**

**Respondent #1** - "Working to create a Barber Board. A bill will be introduced to the 2011 legislature."

**Respondent #3** - "The Barber Commission."

**Respondent #4** - "Barbers and the lack of support from our legislators when it comes to trying to get their support for a bill that will put the barbers under the rules and regulations of the Board of Cosmetology. Please keep in mind that the vast majority of all Barbers training in Alabama are apprenticeship from another Barber with years of work experiences or trial and error until they get it right. The Barbers are doing the same services as cosmetologist and there are no rules or fines or invasion on their business daily work schedule from anyone. The Cosmetology Board has unsuccessfully tried for at least 17 years to get help and still today in 2011 the Board is facing the same problems, our legislators don't see the Barbers as a problem or the unfairness in the laws. I understand that most legislators do use barbers as their stylist and their unwillingness to come aboard to adopt rules that will change their daily routine of operation as they are accustom to. The Board needs help with this issue and you are the only ones who can help us. PLEASE HELP GIVE THE PEOPLE WHO TAKE THE TIME TO GO TO SCHOOL THE SAME LEGAL RIGHTS AS OUR UNLICENSED HAS."

**Respondent #5** - "I would like to say this questionnaire is long overdue. The most significant issue for me is a cohesive board and staff so that important issue at hand can be dealt with. It's also important that we have an executive director that's fair and does not say things like if you don't agree with me I will get rid of you. It is also significant that Mr. McKee has called me on two separate dates to inform me that I am no longer on this Board and that someone else has been confirmed in my position. It was not the truth. It was what he wanted."

**Respondent # 6** - "There is a need for a barber regulatory board. There are individuals practicing cosmetology arts who are not regulated by any regulatory body, and they are calling themselves barbers."

**Question #2**

**What changes to the laws of the Board of Cosmetology are needed?**

**Respondent #1** - "No changes are needed for the Board of Cosmetology Law."

**Respondent #2** - "We need to go after unlicensed people that are going around the law."

**Respondent #3** - "None that I have encountered yet"

**Respondent #4** - "Master licensee and Instructor license should have the same status. A master license holder can apprentice a person in the salon and the apprentice trainee student take the same test from the Board as Instructor students does. A simple (and/or) in the rules would correct this problem and the unfairness of the law. Private school owners shouldn't be fined when Board inspectors visit their schools and the Instructor is not in the lab with the students. As long as the person left in charge is a license manager or master cosmetologist there shouldn't be any fines. The cosmetology laws allows a student who has completed 70% of their school training to work in a salon after their school hours under the supervision of a manager or master licensee. If it is legal for a student to work in a salon after school hours under a manager or master licensee. The same law should work for the school owners/Instructor of a private school."

**Respondent #5** - "I think when wording or language is used it needs to come from authoritative sources, like people in the industry. Master Cosmetologist should be able to train cosmetologist like instructors or should I say more than one at a time. And or is the way the law should read."

**Respondent #6** - "The law needs to address barbers."

**Question #3**

**Is the Board of Cosmetology adequately funded?**

  5   Yes        1  

**Respondent #5** - "The Board is adequately funded. Based on our monthly financial statements."

**Question #4**

**Is the Board of Cosmetology adequately staffed?**

  5   Yes        1   Unknown

## ***Board Member Questionnaire***

**Respondent #2** - "I think we may have too many staff members."

**Respondent #5** - "This is a question that most of the board members probably couldn't answer because they don't know how much staff we have. But I do and I personally think we are over staffed if you include the office staff and inspectors."

### **Question #5**

**Does the Board of Cosmetology receive regular reports on the operations of the board from its Executive Director?**

  4   Yes                        2   No

**Respondent #4** - "All board members received a copy of the annual operations cost sheet. If you have questions about anything on the sheet Mr. McKee or Carol will explain the answer."

**Respondent #5** - "I have never seen a report on operations in 4 years nor have I seen a report on major decisions (i.e. bid contracts, blackberry phones) and if you ask about anything to that nature Mr. McKee is highly offended and says that the board wants to micromanage, when really I just want to be informed. But in board meetings he does just tell us laws and rules that he is working on and informs us if there are changes."

**Respondent #6** - "Our Executive Director, Mr. Bob McKee, has done an excellent job in communicating with the Board."

### **Question #6**

**Has the Board of Cosmetology experienced any significant changes to its operations?**

  2   Yes                        2   No                        1   Unknown                        1   No Response

**Respondent #4** - No response

**Respondent #5** - "I think the past board before 2006 were more involved and informed on operations. This board mainly handles continuing education, fine violations, and court hearings info."

**Respondent #6** - "The inspectors in the field are using computerized devices to facilitate their inspections. On-line continuing education is approved."

**Question #7**

**Does the Board of Cosmetology plan any significant changes in its operations?**

  1   Yes              3   No              1   Unknown              1   No Response

**Respondent #1** - “Bob McKee is a great executive director. As a member of the board of Cosmetology I’ve experienced unethical things like; Director hand picking his board members. Him telling me that if we don’t do like he wants, he would get rid of us. It seems that he wants us to do his agenda and what’s best for the industry and the people we services. It’s all about him. He comes up with the rules and just wants us to pass them. We were told that there are no by-laws, that it is on the job training. If you go against him, he makes it hard for you. We need change but we feel that you at the State Department don’t care. All we do is put fines on licensed people and let the unlicensed people ride. So I hope that the State Department did just send this to just have paperwork on file. We need help because people need us and I love my job and serving the people in this industry.”

**Respondent #2** - “If we don’t know the rules how, can we make changes?”

**Respondent #4** - No response

**Respondent #5** - “Hopefully yes, but I am doubtful. But if the board unites and speak out, plans can change. Perhaps if we had by-laws or a definite job description for board members and not rely on word of mouth about exactly what our job is, that would be most helpful. So to answer question #7, if board members all get informed from an authoritative source.”

**Respondent #6** - “I want to commend our Executive Director, Mr. Bob McKee, and his staff for the excellent job they are doing.”

## **Licensee Questionnaire**

### **Personal Licensees**

Questionnaires were mailed to one-hundred personal licensees. Thirty-five responded.

#### **Question #1**

**Do you think the regulation of your profession by the Alabama Board of Cosmetology necessary to protect the public welfare?**

  33   Yes                        1   No                        1   Unknown

#### **Question #2**

**Do you think the laws, regulations, and policies regulating cosmetology in Alabama constitute an unnecessary restriction on the profession?**

  4   Yes                       28  No                        1  Unknown      2  No Opinion

**Respondent #4** - "Some things are too strict"

**Respondent #24** - "Very necessary"

#### **Question #3**

**Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?**

  7  Yes                       26  No                        1  Unknown                        1  No Opinion

#### **Question #4**

**Are you adequately informed of changes to the rules and laws concerning the practice of your profession in Alabama?**

 16  Yes                       15  No                        3  Unknown                        1  No Opinion



**Question #5**

**Do you utilize the Board of Cosmetology's online renewal system?**

19 Yes

16 No

**If yes, are you satisfied with the process?**

17 Yes

2 No

**If not satisfied, what problems have you experienced?**

**Respondent #4** - "This was the first year. Last year I had to mail it in at the last minute."

**Respondent #19** - "Requirements for each license and fees need to be absolutely clear. Directions need to be clear. Getting help when your situation doesn't match the written things needs to be available."

**Respondent #25** - None. I just never use it."

**Question #6**

**Has the Board of Cosmetology performed your licensing and/or renewal in a timely manner?**

29 Yes

5 No

1 No Response

**Respondent #19** - "My mother tried to call supervisors to help me get my license – had huge problems with licensing – getting my license – called, called, called, and called again. Couldn't work because waiting on my license."

**Respondent #25** - "The process is very slow."

**Question #7**

**Do you consider mandatory continuing education necessary for competent practice?**

23 Yes

10 No

2 No Opinion

**Respondent #4** - "Only if you want to stay up-to-date on new procedures and materials."

**Respondent # 31** - "But my experience with a Master Class was totally irrelevant with doing hair. It was an opportunity for speakers to sell themselves or products."

**Question #8**

**Has the Board approved sufficient providers of continuing education to ensure your reasonable access to continuing education hours?**

16 Yes      10 No      6 Unknown      4 No Opinion

***NOTE: One respondent answered both yes and no***

**Respondent #13** - "Would love to have a bigger variety"

**Respondent #24** - "CE hours at Premiere Birmingham (Great Idea!)"

**Respondent #25** - "I think we need more provider of continuing education classes."

**Question #9**

**What do you think is the most significant issue(s) currently facing your profession in Alabama? What is the Board doing to address this issue(s)?**

**Respondent #2** - "Too many new rules, in some cases, and not enough in others. Like allowing barbers to do most things a cosmetologist can do. Allowing state board examiners to give you a bad grade because either they don't like you or because they're in a bad mood. State board is doing absolutely NOTHING."

**Respondent #3** - "Cosmetologists practicing out of their home with a license."

**Respondent #6** - "Infection/disease control; more inspections"

**Respondent #8** - "People practicing without proper licensing. I'm not sure what they're doing besides checking licenses at salons. However, most people practicing without a license aren't in salons."

**Respondent #11** - "I don't think that Cosmetology School covers enough education to do facials; they should have to go to a School of Esthetics to do skin care on a separate degree. I know that some massage salons are doing skin care."

**Respondent #12** - "Not enough jobs, but I don't know how the Board can change that."

**Respondent #13** - "As Birmingham grows, more job opportunities come available. The Board has referred me to new job openings in the area. Thank You!"

**Respondent #14** - "I feel that in the profession of nail technology there are still too many unlicensed nail technicians using unsanitary & harmful practices. I feel that we desperately need more monitoring of "discount" salons using MMA, Credo blades,

re-using nail files and generally operating in unsanitary manners that is harming the general public.”

**Respondent #17** - “I have no issues at this time.”

**Respondent #19** - “When you have high quality people enter this field, they have trouble maintaining a high quality business because of overhead costs and taxes and random sometimes ridiculous fines for small petty inspection violations (like a person having a candy bar in their drawer). Good people don’t want problems with running a business and having the responsibility of others fines and fees on them.”

**Respondent #21** - “No opinion”

**Respondent #24** - “Salons operating without cosmetology license; Barbers; Nail salons doing waxing and extensions”

**Respondent #25** - “The most significant issue that is facing my profession is we need a BARBER BOARD. Alabama Board of Cosmetology is losing money because a lot of people go up under barber style shop and they **DO NOT** have to go to school or have cosmetology licensees to do hair or cut hair. But they advertise in the phone book up under beauty salons. They do everything that we do but without a cosmetology licensees and fees. NO LICENSEES AND NO SCHOOL is just not right. And I do not think the Board of Cosmetology can do anything about it. Now that is wrong!!!!”

**Respondent #26** - “When adding or amending the regulations you must ensure that you provide the necessary tools to allow a licensee to become properly certified (i.e. for microderm, dermal scraping - not planning) that the board approves.”

**Respondent #29** - “I am inactive at present.”

**Respondent #31** - “Licensing and the use of products that are against the cosmetology law. Services rendered in nail shops such as waxing that is against the law.”

**Question #10**

**Do you think the Board and its staff are satisfactorily performing its duties?**

23 Yes      6 No      4 Unknown      3 No Opinion

***NOTE: One respondent answered both yes and no***

**Respondent #13** - “To a degree I believe that State Board is doing their job to the best of their ability and is hampered from doing more due to resources available to them.”

**Respondent #26** - “Not always – those making the decisions on what is legal for a licensee to perform should be educated in these areas.”

**Question #11**

**Has any member of the Board or its staff asked you for money (other than normal fees), services or any other thing of value in return for performing a Board service for you?**

  2   Yes                       32  No                        1  Unknown

**Additional Comments:**

**Respondent #3** - “Where I work there is a continual battle about Board dress code and I have not been able to find it.”

**Respondent #11** - “I’ve been told as an Esthetician I have to have Booth Rental license but hair does not; this I feel is not fair. As Estheticians we should have skin care CEU’s only – even if we have to go out of state. Alabama should agree to accept CEU’s from other states.”

**Respondent #15** - “There are times that the inspector tells us a lot of things that we’re not aware of and fine us for things that we’re not aware of. They don’t send us regular copies for new rules and regulations. All in all, we’re trying to make a living but they take a lot of advantages with our professions. Thanks.”

**Respondent #19** - “I have no idea how money works with the board. I called to find out why I wasn’t getting my license. They told me I owed fees of \$45. I sent them the \$45. I called again I was told I needed to send \$10 for fines or something. I called again. I was then told there is no such thing as a \$10 fine. There are only \$25 fines. I sent more money. My mother finally called after 8 months and they told her we owed five dollars. I don’t know what we owed money for or what the problems were, but I finally got my license.”

**Respondent #21** - “Keeping fellow cosmetologists, nail techs, and aestheticians properly informed is very important. I feel communication is broken down. Anytime a new rule or regulation is adopted I hear about it via another professional or when a board member inspects our spa/salon. All rules and regs should be public access (print and internet) and NEW rules and regs should be MAILED out or posted on an official website. ASAP!”

**Respondent #25** - “I think we need an Barber Board.”

**Respondent #26** - “Owners of spas and hair salon should be invited to voice their opinions on issues pertaining to their line of expertise.”

**Respondent #31** - “I have at one time wanted to be a Board Member as I have been licensed for almost 50 years. Having served on some local boards in Huntsville not

related to cosmetology involved the service that our Board Members give to our profession.”

## **Salon and School Owner Questionnaire**

Questionnaires were sent to one-hundred owners of salons and schools regulated by the Board of Cosmetology. Fifty-six responded.

### **Question #1**

**Do you think the regulation of your profession by the Alabama Board of Cosmetology necessary to protect the public welfare?**

49 Yes      4 No      3 No Opinion

**Respondent #23** - "Needs to be stricter and needs to enforce the independent contractors to do the same thing as salon owners, All licenses city, state, county, also insurance to protect the public and themselves."

### **Question #2**

**Do you think the laws, regulations, and policies regulating cosmetology in Alabama constitute an unnecessary restriction on the profession?**

10 Yes      43 No      2 Unknown      2 No Opinion

**NOTE: One respondent answered both yes and no**

**Respondent #20** - "Sometimes"

**Respondent #23** - "Needs more to protect not only the profession and the public from passing infection, disease. Higher standards"

**Respondent #27** - "The students can't get credit for hours earned in the salon after their ??? time is completed."

**Respondent #34** - "They are vague and interpreted differently by inspectors and office employees."

### **Question #3**

**Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?**

11 Yes      41 No      1 Unknown      4 No Opinion

**NOTE: One respondent answered both yes and no**

**Respondent #4** - "Barbers need rules also!"

**Respondent #23** - "More requirements to promote professionalism"

**Respondent #34** - "By opinion and not written rule"

**Respondent #40** - "CEU requirements"

**Question #4**

**Are you adequately informed of changes to the rules and laws concerning the practice of your profession in Alabama?**

37 Yes      18 No      2 Unknown

**NOTE: 1 respondent answered both yes and no**

**Respondent #4** - "Need to know more about sanitizers to be used"

**Respondent #23** - "Because I love this industry I read all the updates and need it to be better enforced."

**Respondent #34** - "Just received printed updates January 30 that were effective January 1, 2011!!! No update online."

**Respondent #40** - "Please consider direct email"

**Question #5**

**Do you utilize the Board of Cosmetology's online renewal system?**

34 Yes      22 No

**If yes, are you satisfied with the process?**

31 Yes      3 No

**If not satisfied, what problems have you experienced?**

**Respondent #12** - "Not user friendly"

**Respondent #23** - "They do a great job and the people that complain usually are not doing what is required."

**Respondent #38** - "Could never get renewal to go through."



**Question #6**

**Has the Board of Cosmetology performed your licensing and/or renewal in a timely manner?**

49 Yes      7 No

**Respondent #9** - "Too slow"

**Respondent #23** - "I've been in the beauty industry since 1977 and have had not challenges."

**Respondent #34** - "2 weeks"

**Question #7**

**What do you think is the most significant issue(s) currently facing your profession in Alabama? What is the Board doing to address this issue(s)?**

**Respondent #1** - "Why did we stop testing for TB? We now have a higher rate of TB with illegal aliens coming in to the shops who have never been immunized. So State Board decides to stop testing instead of tightening up its policies. It looks to me like we are stepping backwards instead of forward."

**Respondent #2** - "Money problems. The economy is so bad and our pay is short. Nothing they can do. The whole world is in a money problem."

**Respondent #3** - "The license"

**Respondent #4** - "Continuing education at a minimum charge. Barbers should not get by with no inspections because they do the same service that hairdressers do."

**Respondent #5** - "Cosmetologists/stylists doing facial and chemical peel and microdermabrasion without proper training; and waxing can damage the skin."

**Respondent #7** - "The length of the training program, 1500 hours, is excessive. Florida only requires 1200 hours. The additional 300 hours required by Alabama does not produce a "better" graduate. The Board has made no move to reduce the number of program hours."

**Respondent #9** - "That Barber's do not have a license. But we have to."

**Respondent #10** - "Regulating the Barber's – addressing it before the House"

**Respondent #11** - "Too strict on product use. For example, the fillers, buffers, liquid, toe separators, and flip-flops. It's costing us too much having to replace these products after one use! Thus, reducing our income since we have to spend so much on products."

**Respondent #12** - "Barbers are not licensed in our state and do the same work as we do but do not have to keep up with the license fees and schooling. The board is doing nothing about this as far as I know."

**Respondent #14** - "A slow economy which is outside the scope of the Board's control."

**Respondent #16** - "None"

**Respondent #17** - "People going to court house getting a barber shop license to open a salon."

**Respondent #18** - "The problem of cosmetologist working as barbers. Trying to stop this from happening in salons."

**Respondent #19** - "Too many barber shops that offer cosmetology services. If you want to offer cosmetology services then you should be inspected."

**Respondent #20** - "Teachers are not trained well by schools and are not checked to see if they are doing a good job."

**Respondent #21** - "People doing hair without license. They are working on making this right."

**Respondent #22** - "Shops opening up under barber or style shops that have no schooling and are performing the same tasks and some are being allowed to work in licensed salons. They need to show proof of education."

**Respondent #23** - "Controlling the independents to protect the public."

**Respondent #24** - "Barbers not licensed and doing hair dressing services."

**Respondent #25** - "Working without license. I don't know."

**Respondent #26** - "The main issue with our business here is people have lost their jobs, companies have closed no job, not much money! Maybe time will heal and we can get back to working steadily as usual. We realize the Board has no control with the last issues."

**Respondent #27** - "Unfair inspections; Nothing @ the moment. Showing favoritism to certain schools and salons during inspections. Nothing @ the moment."

**Respondent #29** - “There is no representation on the Board for estheticians or manicurists. Cosmetologists do not know enough about skin care/skin treatments to properly make/pass rules and regulations regarding the skin care industry.”

**Respondent #30** - “Style shops...not having to license as salon with the board...and this state. Probably the only state that does not have a barber board.”

**Respondent #32** - “People doing hair without a license.”

**Respondent #33** - “Board inspectors are not allowed to enter business operating as salon without sign posted. These unlicensed business should be closed. Our laws cover this. All business concerning cosmetology including braiding should hold cosmetology shop and cosmetology license.

**Respondent #34** - “Blurred lines in regulation and actual board knowledge of subject matter. Nothing being done.”

**Respondent #35** - “Unlicensed employees (Barbers). Will take legislative measures to correct. Or the fact that barbers aren’t licensed by the board – they not be allowed to work in salons governed by the board.”

**Respondent #36** - “There is no regulation of barbers in Alabama yet they are able to perform the same tasks as a cosmetologist other than a couple of things. I feel cheated.”

**Respondent #38** - “Discount nail salons using products not approved by board; nail techs that use credo blades; lack of sanitation/disinfection.”

**Respondent #39** - “Currently barbers are allowed to practice with a certificate obtained from the county they are practicing in. They are not required to have any formal training or practical examination, and are not governed by any regulatory agency. I believe barbers should be required to attend classes and follow the same rules, regulations and standards that are required for cosmetologist.”

**Respondent #40** - “Improper usage of barber license. The board should consider consolidation of cosmetology/barber boards.”

**Respondent #41** - “I have no idea”

**Respondent #42** - “N/C”

**Respondent #45** - “NONE”

**Respondent #47** - “Cost – renewal fees”

**Respondent #48** - "Allowing salons to operate with a license."

**Respondent #49** - "Unlicensed stylist working in salons and at home. Unknown what the board is doing about it."

**Respondent #52** - "Those who are working without license. The state could and should have a better plan to eliminate this problem."

**Respondent #54** - "Foreign nationals being allowed to set up businesses, showing untrained employees what to do and undercutting the prices of licensed, legitimate businesses who spent a lot of money receiving their education and starting their business. Also not requiring them to undergo testing for each employee."

**Respondent #55** - "The Barbers in our state are not licensed. I do not know what the Board is doing about it."

**Respondent #56** - "Regulations ARE NOT strong enough to protect against unlicensed people conducting chemical services on the public."

**Question #8**

**Do you think the Board and its staff are satisfactorily performing its duties?**

45 Yes      5 No      3 Unknown      3 No Opinion

**Respondent #1** - "It could use some improvements."

**Respondent #29** - "Limited to sanitation but not specifically esthetics."

**Respondent #33** - "We need our board."

**Respondent #34** - "They are rarely available by phone and they are often unaware of problems or concerns within industry. It is addressed at meetings and often closed door, and with vague address of situation unless you are personal acquaintance."

**Respondent #35** - "But do not confuse appointed Board Members with merit employees that staff the office."

**Question #9**

**Has the Board inspected your facility in the past two years?**

55 Yes      1 No

**Respondent #1** - "Every year. I know of some salons in the North and East parts of Birmingham who have been in business for several years and have never been

inspected. Fix this problem! If you are out inspecting and see a shop in your area stop and walk in. Don't be scared to walk into an all-black shop. If you are then take two inspectors for security."

**Respondent #9** - "Two times!"

**Respondent #12** - "But they change the rules every time they come. The rules should be written out for schools as well as salons."

**Respondent #23** - "Yes, they inspect my salon regularly and my 2 schools. They do a great job!"

**Respondent #50** - "Every 6 months approximately"

**Respondent #52** - "(6) six times"

**Question #10**

**Has any member of the Board or its staff asked you for money (other than normal fees), services or any other thing of value in return for performing a Board service for you?**

56 No      0 Yes

**Additional Comments:**

**Respondent #1** - "My company follows the rules of cosmetology to the fullest and I feel that others should do the same. I also have an apprentice who has passed all her exams and tests but has not received her license. It's been about two months. If you inspect my shop I receive a fine because our Board of Cosmetology has not completed their job. I follow the rules and lose. You make money on fines for not doing your job properly."

**Respondent #5** - "The office and director are doing a very good job. Cosmetologists can perform esthetics – how can they? They are doing haircuts, etc. beside that they are behind all day there stylist chair."

**Respondent #7** - "Board requirements for taking licensure exam are not properly identified in the ABOC Rules book...specifically secondary education requirements."

**Respondent #11** - "You guys need to stop making more rules every year. Make sure all inspectors are knowledgeable about the rules because one inspector says one thing and another says another thing."

**Respondent #12** - "I touched briefly on the rules the State Board Inspectors use. They must have classes on how to grade us in the schools. I want to comply but as I

mentioned from one time to the next the rules are different. Example: Should we have Barbicide jars at each station? Some say yes...some No! This is just one of many. On our report sheets State Board Inspectors say they can take double points off for a rule. It does not say that anywhere. I currently have a 90% on my sheet. We need these rules in writing, PLEASE!”

**Respondent #14** - “In the past, have received a newsletter from the Board which provided information relative to the industry and the Board’s work. Does the newsletter no longer exist?”

**Respondent #18** - “I have been a hairdresser/instructor for 42 years and I totally disagree with sunset legislation.”

**Respondent #21** - “We need this board to continue to insure the safety of the public and to protect the profession.”

**Respondent #23** - “I think we need to level the playing field between the true salon owners who pay their share of taxes and purchase the correct license to conduct business and all the booth rental cosmetologist who don’t pay the TRUE taxes on their income and don’t buy business license of any kind even though they own their own business. Also, it is a miss representation of the true income of the people in our industry. It really does not show us as the true professionals we really are. How would the world be without hairdressers? UGLY and UNSAFE”

**Respondent #25** - “When the board went up on our license a few years ago we were not informed until the license were due. That was unfair, since the license went up from \$15.00 to \$80.00. Big jump. Business license went from \$35.00 to \$100.00. Big jump. I see no improvements since this big jump. What’s the money being use for?”

**Respondent #28** - “I think the visits are too often and some of the rules are not necessary.”

**Respondent #33** - “I have lived in the state of Alabama for over 25 years. I will have to say this board has come a long way in the past 10 years. Very efficient.”

**Respondent #34** - “The board regulates and dictates but is slow to improve – their own Statutes and Regulations manual is renewed but outdated (i.e. They do not issue teacher permits but still offer as an option, etc.). How are we to stay within rules and guidelines when they are vague or outdated and you are not updated or aware of changes, etc.”

**Respondent #35** - “You will receive both good as well as bad reviews. Twenty-five years within the profession – if a solution isn’t offered along with the complaint – consider the fact they may be part of the problem. Nothing is perfect but this Board has made progress! Not everyone will be happy but consistence across the board is

key!! You want to correct these concerns – don’t go to the political sunset committee – come to those this board is designed to represent.”

**Respondent #36** - “Our inspectors have been thorough and I like that we have regulations, but only feel these are protecting the public if there are also restrictions on barbers, otherwise no I don’t agree with there being regulations on either party. Also there are a few rules that are senseless and I don’t understand, but if I am given specific instructions I am willing to do them.”

**Respondent #38** - “Continuing education forums for persons holding master or instructor licenses should be more informative and should include as much education for esthetics and manicurist as they do for cosmetologists, if not, everyone holding an instructors license in esthetics or manicuring should be grandfathered in as cosmetologists instructors after completing a “crash” course in cosmetology. Continuing education for master or instructor licensees should be reformed to mandate yearly continuing education and licensing instead of bi-yearly. The Board should adopt specific requirements for a person holding esthetics or manicurist’s license who wishes to expand their scope of license: consideration should be given to whether or not licensee was formally trained or apprenticed, number of years in business, rating of their salon, etc. Raters and proctors should come from all aspects of cosmetology. I think anyone who holds an instructors license whether in cosmetology, esthetics or manicurist should be allowed to apply for raters and/or proctors as well as inspectors. Booth rental license should be enforced.

**Apprenticeship program should be abolished.** (Big pet peeve! Too much to list).

**Salons and licensees should be fined for notifying other salons the board inspector is in town.** (My other big pet peeve! If everyone was doing as they should, there would be no need for this!)”

**Respondent #42** - “The used towels in a bag is NOT a good thing. This is something I would like to see change!”

**Respondent #49** - “Inspectors, somewhat intimidate professional law abiding people. By not knowing the AL Law Regulations and giving mixed messages of what they will or will not report on in a fair way to the board. Expect small business to have all the things more privilege – small business have; Even though they both meet AL Board Regulation Standards. Some places they visit too much and other not enough or at all... They can promote intimidation toward that owner and staff (ex. 1 per yr. vs. every 3 to 4 mth) once a year is enough.”

**Respondent #50** - “I think we should have a standard to go by, our Cosmetology Board provides that. Without this anything would go. We over the years have tried to keep our profession to a higher standard, something that makes us proud to be a cosmetologist. Without guidelines we would lose so much.”

**Respondent #52** - "I owned two cosmetology school in this area. In the city of [REDACTED] and the city of [REDACTED]. I like to think that the State for having these inspectors on duty. We need them."



**Complainant Questionnaire**

Questionnaires were sent to one hundred (100) complainants. Twenty-five responded.

**Question #1**

**How was your complaint filed with the Board of Cosmetology? By:**

18 Mail      3 Phone      2 Other      1 Unknown      1 No Response

**Question #2**

**Was receipt of your complaint promptly acknowledged?**

17 Yes      5 No      2 Unknown      1 No Response

If yes, how long after you filed your complaint were you contacted by the Board?

3 Immediately      4 Within 10 days      2 Within 20 days  
7 Within 30 days      3 Over 30 days      2 Unknown

**Question #3**

**Was the employee who responded to your complaint knowledgeable and courteous?**

4 Knowledgeable      3 Courteous      6 Neither  
7 Both      4 Unknown      1 No Response

**Respondent #25** - "To my knowledge, no one contacted us directly after our complaint was filed."

**Question #4**

**Did the Board communicate the results of investigating your complaint to you?**

16 Yes      6 No      1 Unknown      2 No Response

**Respondent #8** - "The issue resolved itself."

**Question #5**

**Do you think the Board did everything it could to resolve your complaint?**

  7   Yes                       12  No                        4  Unknown                        2  No Response

**Respondent #8** - "It didn't have to act."

**Question #6**

**Were you satisfied with your dealings with the Board?**

  6  Yes                       13  No                        5  Unknown                        1  No Response

**Respondent #25** - "I did not feel our complaint was taken seriously."

**Additional Comments:**

**Respondent #1** - "I tried to get my job back at [REDACTED], [REDACTED], [REDACTED]. [REDACTED] never responded to my application. She should not be a spa director. She has no cosmetology experience at all, and she builds cases against her employees to get them fired, if she doesn't like them."

**Respondent #3** - "[REDACTED]...secretary; well I wasn't supposed to pay a late fee, at all. I called & no I supposed that the money order on Feb. twenty six of two thousand and nine...lost but later found. The letter after three & one-half months was asking for twenty five dollars fee. And I had responded to them...Next month (Feb.) I have decided to send the important request five days sooner. I have had mixed understandings! Too numerous as I write to acknowledge. But at ??? [REDACTED] air was where I mailed two (almost) yrs. Passed. Hair in a few yrs.. Over for me. Mainly my wrist."

**Respondent #4** - "I believe more punishment should have been given to the case – since this wasn't the first problem they had with the salon. My case was life threatening and I believe they received a slap on the wrist. I guess it will take someone dying before more stringent action will be taken."

**Respondent #5** - "I hope this letter finds you well. Please be advised that I have not filed a complaint in review of the Board of Cosmetology. It is my understanding that one of my staff members may have filed an inquiry, however; that matter has been amicably resolved and no further action need be taken. I would like to thank you for your follow up in this matter. Please do not hesitate to contact us if you need anything further."

**Respondent #8** - "No action was necessary."

**Respondent #11** - “Just disappointed at the salon – I felt it was unsanitary.”

**Respondent #13** - “I certainly appreciated the work done on behalf of my complaint! It is reassuring to know that the Board of Cosmetology follows thru on complaints made by the public.”

**Respondent #14** - “Supervisor very rude and did not care about risk to the general public.”

**Respondent #17** - “Thank You!”

**Respondent #21** - “The Board never followed up with the results of the complaint. They made me think I was wrong for complaining on the salon. They made me feel I had no right to complain, but I never heard anything back until now 4 years later.”

**Respondent #22** - “All I was told was my complaint was filed; no one told me what happened after that. I would like to hear something.”

**Respondent #23** - “Mr. [REDACTED] of [REDACTED] employed me to start the first Aesthetian Skin class. I set up, designed and created a 1500 hr. 42 class curriculum and syllabus, went to state Board several times and got his credentials and license. 5 months into the class he fired me for misconduct. There was no misconduct. He kept some of my belonging and dumped the rest on my balcony. He didn't pay into any quarters so I got no unemployment. He had a no compete contract that I could work nowhere for two years. I lost my apt., car, cell phone was turned off he would not respond to my calls his wife took my entire make-up kit with all of my teaching aids. He had unlicensed teacher trying to conduct the class, the students left some are still paying Fannie Mae for loans for a class they didn't have. I sent a list of all the infractions he committed from the State Board Rules and Reg Booklet. He owe me a great deal of money he never paid me for any products or supplies. He kept running the TV commercials promoting the school after he had fired me. I'm a 30 year cosmetology instructor, this man have ruined my reputation, he exploited me – and used me to get him licensed, that's why he fired me. The original students walked out because no other instructor could teach that course. I put in countless numbers of hours day and night without pay. Recruiting students, clients and the entire clinic was set up with my belongings. In 2006 I was inducted into the Beaut Academy California Hall of Fame, there is a [REDACTED] student scholarship in my name. I have a Oscar on my shelf. There was no misconduct on my part just greed he wanted the program, but it failed without me. I just returned home I've been in California receiving medical treatment, I'm leaving Alabama. Mr. [REDACTED] claims a Christian school – he hurt many young women and their lives all who keep in touch with me. The Alabama Board of Cosmetology failed me. I was up to Montgomery week after week getting that school licensed – they told me I have insufficient justification for them to continue with any disciplinary action against [REDACTED]. The state board examiner Ms. [REDACTED] explained I've never seen a clinic & classroom like

## *Complainant Questionnaire*

this before, it was amazing. Mr [REDACTED] and his wife never attended orientation, friends and family day, open house. This entire situation was driven by finances.”

**Respondent #25** - “The case we were involved with involved a serious patient complaint about tattooed eyebrows that were jet black, triangular in nature, asymmetric & ‘joke-like.’ Laser treatments were required. The patient was also disappointed that no action was taken. I will be glad to review details as required.”

# APPENDICES

## SMART Performance Reports

Thursday, November 18, 2010  
EBO Form 10

### FY 10 SMART Quarterly Performance Report

Page 2 of 4

#### Basic Agency

Agency: 308 - Cosmetology, Alabama Board				Program: 653 - PRO AND OCCU LICENSING AND REG								
Organization: -				Activity: -								
Key Goal:												
Goal 1	90% of license renewals be completed on-line by the year 2011.								Governor's Priority:		6	
Objectives and Quarterly Targets:												
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
Objectives		Unit of Measure	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
(O1-Efficiency) To increase the percentage of renewal applications processed on-line.		Percent of renewal applications.	--	--	--	--	--	--	--	--	75%	67%

Thursday, November 18, 2010  
EBO Form 10

### FY 10 SMART Quarterly Performance Report

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#### Basic Agency

Agency: 308 - Cosmetology, Alabama Board				Program: 653 - PRO AND OCCU LICENSING AND REG							
Organization: -				Activity: -							
Key Goal:											
Goal 2	To reduce returned applications to 15% or below by the year 2012.								Governor's Priority:	6	
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
(O1-Efficiency) To decrease the percentage of returned applications by 2% per year.	Percent of applications.	--	--	--	--	--	--	--	--	17%	34%

Thursday, November 18, 2010  
EBO Form 10

### FY 10 SMART Quarterly Performance Report

Page 4 of 4

#### Basic Agency

How have policy decisions and budget determinations made by the governor and the legislature in the fiscal year 2009-10 affected your agency in meeting its desired accomplishments and services?
Cutbacks have restricted the number of employees available for various records keeping.
What administrative improvements did your agency make in fiscal year 2009-10 and what potential improvements do you foresee for future years? Include suggested changes in legislation or administrative procedures which would aid your agency in these improvements.
Enactment of a State Barber Board would allow our inspectors to better enforce licensure and sanitation rules.

## FY 11 SMART Quarterly Performance Report

### Basic Agency

Agency: 308 - Cosmetology, Alabama Board				Program: 653 - PRO AND OCCU LICENSING AND REG								
Organization: -				Activity: -								
Key Goal:												
Goal 1	Increase the percentage of renewals completed online.								Governor's Priority:	6		
Objectives and Quarterly Targets:												
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
Objectives		Unit of Measure	Target	Actual	Target	Actual*	Target	Actual*	Target	Actual*	Target	Actual*
(O1-Efficiency) Percentage of renewals online.		%	--	31	--	--	--	--	--	--	60%	
* Actual performance data is not currently available for this quarter.												

## FY 11 SMART Quarterly Performance Report

### Basic Agency

Agency: 308 - Cosmetology, Alabama Board				Program: 653 - PRO AND OCCU LICENSING AND REG								
Organization: -				Activity: -								
Key Goal:												
Goal 2	Decrease percentage of applications returned.									Governor's Priority:	6	
Objectives and Quarterly Targets:												
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
Objectives		Unit of Measure	Target	Actual	Target	Actual*	Target	Actual*	Target	Actual*	Target	Actual*
(O1-Efficiency) Decrease percentage of returns to reduce cost.		%	--	15	--	--	--	--	--	--	14.50%	
* Actual performance data is not currently available for this quarter.												

## **Statutory Authority**

### **CHAPTER 7A. ALABAMA BOARD OF COSMETOLOGY.**

#### **§ 34-7A-1. Definitions.**

*Current through the end of the 2010 Regular Session.*

For the purposes of this chapter, the following words and phrases shall have the following meanings:

(1) Apprentice cosmetologist. Any person who is engaged in the learning or acquiring of any or all practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a licensed cosmetology salon under the direction of a master or instructor cosmetologist.

(2) Apprentice esthetician. Any person who is engaged in the learning or acquiring of any or all practices of an esthetician and, while so learning, performs or assists in any of the practices of skin care in a licensed esthetician salon or cosmetology salon under the direction of a master or instructor esthetician, or master or instructor cosmetologist.

(3) Apprentice manicurist. Any person who is engaged in the learning or acquiring of any or all practices of manicuring and, while so learning, performs or assists in any of the practices of manicuring in a licensed manicurist salon or cosmetology salon under the direction of a master or instructor cosmetologist or master or instructor manicurist.

(4) Board. The Alabama Board of Cosmetology.

(5) Booth rental. The practice of renting space within an established cosmetology salon to a sole proprietor as a legally separate business entity. A booth renter shall be a managing or master cosmetologist.

(6) Cosmetologist. Any person, not an apprentice or a student, following or practicing cosmetology on members of the general public for compensation, and who shall have the qualifications and licensing hereinafter provided for a cosmetologist.

(7) Cosmetologist instructor. A cosmetologist who teaches cosmetology, or any practices thereof, in a duly registered school of cosmetology.

(8) Cosmetologist student instructor. A cosmetologist who is receiving instruction in teacher's training in a duly registered school of cosmetology.

(9) Cosmetology. Any one or a combination of practices generally and usually performed by, and known as the profession of beauty culturists, cosmeticians, cosmetologists, hairdressers, or of any other person holding himself or herself out as practicing cosmetology by whatever designation and within the meaning of this chapter in and upon whatever place or premises; and in particular shall include, but otherwise not be limited thereby, to the following or any one or a combination of practices: arranging, dressing, curling, waxing, weaving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of any person, by any means, and/or with hands or mechanical

or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or otherwise, massaging, cleansing, stimulating, exercising, beautifying, or similar work on the scalp, face, neck, arms, legs, feet, hands, bust, or upper part of the body, or manicuring the nails of any person or adding nail tips, extensions, gels, or other articles to nails, or performing desaiology, the art and science of dressing and arranging the hair, nails, and clothing of the deceased.

(10) Cosmetology salon. Any place wherein cosmetology or any of its practices are followed, whether the place is known or designated as a cosmetician, cosmetological, or cosmetology salon or establishment or whether the person practicing cosmetology holds himself or herself out as a cosmetician, cosmetologist, or beauty culturist, or by any other name, or designation indicating that cosmetology is practiced therein. A cosmetology salon shall have a managing or master cosmetologist on duty five days a week.

(11) Cosmetic studio. Any place where a demonstrator performs demonstrations for the advertisement or sale of cosmetics.

(12) Credit unit hours. One credit unit hour equals one and one-fourth clock hours. A sufficient number of credit unit hours is necessary to provide a standardized curriculum in the practice of cosmetology and related practices regulated by the board.

(13) Demonstrator. A person, not licensed in this state as a cosmetologist or cosmetologist instructor, who performs demonstrations for the advertisement or sale of cosmetics by physically applying cosmetic preparations to the hair or body of another person.

(14) Esthetician. Any person, not an apprentice or a student, who engages in any of the following specialized practices generally recognized in the field of cosmetology: skin care, make-up artistry, facials, and body waxing.

(15) Esthetician instructor. An esthetician who teaches skin care or any practices thereof in a duly registered school of cosmetology or school for estheticians.

(16) Esthetician salon. Any place, not a cosmetology salon, wherein skin care or any of its practices are followed. An esthetician salon shall have a managing or master cosmetologist or managing or master esthetician on duty five days a week.

(17) Esthetician student instructor. An esthetician who is receiving instruction in teacher's training in skin care in a duly registered school for estheticians or school of cosmetology.

(18) Managing cosmetologist. A cosmetologist who manages or conducts a cosmetology salon or school of cosmetology.

(19) Managing esthetician. Any person who manages or conducts an esthetician salon.

(20) Managing manicurist. Any person who manages or conducts a manicurist salon.

(21) Manicurist. Any person, not an apprentice or a student, who engages only in the practice of manicuring, adding nail tips, extensions, gels, or otherwise grooming the nails of another person.



(22) Manicurist instructor. A manicurist who teaches nail care or any practices thereof in a duly registered school of cosmetology or school of manicuring.

(23) Manicurist salon or nail salon. Any place, not a cosmetology salon, wherein manicuring or any of its practices are followed. A manicurist salon shall have a managing or master cosmetologist or managing or master manicurist on duty five days a week.

(24) Manicurist student instructor. A manicurist who is receiving instruction in teacher's training in nail care in a duly registered school of manicuring or school of cosmetology.

(25) Master cosmetologist. A managing cosmetologist who has completed an approved course of study in continuing education within a licensing period and has paid an original licensing fee as established by the board. A master cosmetologist license is an optional license which may be renewed by the licensee concurrently with his or her managing license.

(26) Master esthetician. A managing esthetician who has completed an approved course of study in continuing education within a licensing period and has paid an original licensing fee as established by the board. A master esthetician license is an optional license which may be renewed by the licensee concurrently with his or her managing license.

(27) Master manicurist. A managing manicurist who has completed an approved course of study in continuing education within a licensing period and has paid an original licensing fee as established by the board. A master manicurist license is an optional license which may be renewed by the licensee concurrently with his or her managing license.

(28) Place of cosmetology. A place where cosmetology is practiced on members of the public for compensation and a place where cosmetology is taught to student apprentices.

(29) School for estheticians. Any place wherein only skin care or any of its practices are taught, whether the place is known, operated, or designated as a school for estheticians, or otherwise, indicating that skin care is taught therein to students.

(30) School of cosmetology. Any place wherein cosmetology or any of its practices are taught, whether the place is known, operated, or designated as a cosmetician or cosmetological school or establishment, or otherwise, indicating that cosmetology is taught therein to students.

(31) School of manicuring. Any place wherein only manicuring or any of its practices are taught, whether the place is known, operated, or designated as a school of manicuring, or otherwise, indicating that manicuring is taught therein to students.

(32) Shampoo assistant. Any person who is licensed as a shampoo assistant, meets all of the requirements for a health certificate, and engages only in the practices of shampooing, cleaning, or applying temporary weekly color rinses to the hair of any person.

(33) Student cosmetologist. Any person who is engaged in the learning or acquiring of

any or all practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a school of cosmetology under the instruction or immediate supervision of an instructor cosmetologist.

(34) Student esthetician. Any person who is engaged in the learning or acquiring of any or all practices of an esthetician and, while so learning, performs or assists in any of the practices of skin care in a school for estheticians or school of cosmetology under the instruction or immediate supervision of an instructor esthetician or instructor cosmetologist.

(35) Student manicurist. Any person who is engaged in the learning or acquiring of any or all practices of manicuring and, while so learning, performs or assists in any of the practices of manicuring in a school of manicuring or school of cosmetology under the instruction or immediate supervision of an instructor manicurist or instructor cosmetologist.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

#### **§ 34-7A-2. Penalties.**

*Current through the end of the 2010 Regular Session.*

Any person who practices, maintains a school, maintains a salon, or acts in any capacity without a certificate or license when one is required pursuant to this chapter, or who otherwise violates any provision of this chapter, shall be guilty of a misdemeanor and fined no more than five hundred dollars (\$500) or imprisoned for no more than 90 days, or both. Any corporation which acts in violation of any provision of this chapter shall be punished by a fine of no more than one thousand dollars (\$1,000).

CREDIT(S)

(Act 99-345, p. 478, § 3.)

#### **§ 34-7A-3. Board of Cosmetology.**

*Current through the end of the 2010 Regular Session.*

(a) There is created the Alabama Board of Cosmetology which shall consist of seven persons appointed by the Governor, with the advice and consent of the Senate. The seven members shall consist of the seven members of the existing Board of Cosmetology. One member shall be appointed from each congressional district, as those districts are constituted on June 3, 1999. At least five of the members of the board shall be active licensed master cosmetologists or instructor cosmetologists who reside in the district he or she represents and two of the members may be consumers. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(b) The terms of all current members of the board shall continue upon June 3, 1999, and the seven-person board as constituted on that date shall continue as the board under this

chapter. As terms expire, successor board members shall be appointed by the Governor, with the advice and consent of the Senate. All appointments shall be for a term of four years. No person shall serve for more than two terms on the newly-constituted board. Vacancies on the board shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired terms. Any board member may be removed by the Governor for just cause.

(c) Any cosmetologist serving as a member of the board shall have at least five years of practical experience in the majority of the practices of cosmetology.

(d) The board may do all things necessary and convenient for enforcing this chapter. The board may from time to time promulgate necessary rules and regulations compatible with this chapter. The board shall compile and publish all rules and regulations, together with a copy of this chapter, and distribute the same to all licensees. Any amendment to this chapter or the rules and regulations of the board shall be published by the board and distributed to all licensees. Distributed copies shall be retained in each salon or school licensed by the board and shall be made available for inspection by salon or school personnel and the general public during normal operating hours.

(e) The board shall establish the recommended number of credit unit hours, including all phases necessary to produce competent practitioners, in each profession regulated by the board. The board shall also promulgate guidelines for approved seminars of continuing education.

(f) All rules and regulations promulgated by the board prior to June 3, 1999, are repealed. The board shall adopt rules and regulations pursuant to the Administrative Procedure Act, Chapter 22 of Title 41, to implement this chapter.

#### CREDIT(S)

(Act 99-345, p. 478, § 3.)

#### **§ 34-7A-4. Board--Officers, personnel.**

*Current through the end of the 2010 Regular Session.*

(a) The members of the board shall annually elect from among their membership a president, a secretary, and a treasurer. The board members, before entering upon the discharge of their duties, shall each file with the State Treasurer a good and sufficient bond in the penal sum of five thousand dollars (\$5,000), payable to the state to insure the faithful performance of his or her duties. The premium on the bond shall be paid out of the funds of the board. The bond, with the approval of the board and oath of office endorsed thereon, shall be deposited and kept within the office of the Secretary of State. The treasurer of the board shall file with the State Treasurer a good and sufficient bond in the penal sum of twenty-five thousand dollars (\$25,000), payable to the state to insure the faithful performance of his or her duties as treasurer. The premium on the bond shall be paid out of the funds of the board.

(b) The position of executive director shall be appointed by the Governor in the unclassified service as provided for in Section 36-26-10. The executive director serving

on June 3, 1999, unless appointed by the Governor on or after January 17, 1999, shall vacate his or her office immediately upon the Governor appointing an executive director to that position pursuant to this subsection. Vacancies in the position of executive director shall be filled by appointment of the Governor. The executive director shall serve at the pleasure of the Governor. The executive director shall hire all necessary employees of the board, subject to the state Merit System.

(c) Additional personnel may be employed by the board, with the approval of the executive director. A minimum of eight inspectors shall be employed by the board. Inspectors shall be paid the same mileage and per diem rate as other state employees. The compensation of personnel shall be paid out of the funds received by the board. The board shall establish job descriptions and duties for each employee, consistent with Merit System employee guidelines of the State Personnel Board.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-5. Board--Compensation, etc.**

*Current through the end of the 2010 Regular Session.*

Each member of the board shall be paid one hundred dollars (\$100) per day for transaction of board business, not to exceed 50 days during any calendar year. The board members shall also be paid the same mileage and per diem rate as other state employees from funds received by the board. Monies deposited in the State Treasury for the benefit of the board, shall be disbursed only upon warrant of the state Comptroller upon the State Treasury, upon itemized vouchers signed by the president and treasurer of the board or their authorized designees. Any money remaining in this fund at the end of each fiscal year shall remain on deposit in the State Treasury for the use of the board.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-6. Board--Meetings.**

*Current through the end of the 2010 Regular Session.*

The board shall meet at such times and places as a majority of the members shall agree upon. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its governance and shall adopt an official seal for the authentication of board transactions.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-7. Application for examination or licensure.**

*Current through the end of the 2010 Regular Session.*

(a) Any person who desires to engage in any of the practices regulated by the board pursuant to this chapter shall be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, and shall file with the board a written application for examination or licensure. An application for examination shall include the payment of a nonrefundable fee for each examination or reexamination of an applicant.

(b) Examination of an applicant for licensure shall be conducted pursuant to a procedure prescribed by the board. The procedure shall not be confined to any specific system or method and examinations shall be consistent with the prescribed curriculum for schools.

(c) Any applicant who fails the state board examination on the first attempt may have his or her temporary permit extended until the next scheduled examination. Any applicant who fails the state board examination on the second attempt shall complete an additional 375 clock hours in the appropriate school or complete an additional 600 clock hours of training in the appropriate salon or shop before a third attempt is permitted. Any student instructor who fails the examination on two attempts shall complete an additional 650 clock hours of training before a third attempt is permitted. On a third attempt, an applicant shall be required to take the entire examination.

(d) The licensure examination of a student instructor of cosmetology, skin care, or manicuring shall be conducted by an instructor of the same profession.

#### CREDIT(S)

(Act 99-345, p. 478, § 3; Act 2008-138, p. 210, § 3.)

#### **§ 34-7A-8. Records; register of applicants.**

*Current through the end of the 2010 Regular Session.*

(a) The board shall keep a permanent record of its proceedings. That record and all other books and records maintained by the board shall be public information, shall be prima facie evidence of matters therein contained, and shall at all reasonable times be open for public inspection.

(b) The board shall keep a register of all applicants for a certificate or licensure. The register shall include, but not be limited to, all of the following information:

(1) The name, address, county of residence, and phone number of each applicant.

(2) The birth date and Social Security number of each applicant.

(3) The type of certificate or license applied for and the date of application.

(4) Whether the applicant was granted or refused a certificate or license, and if refused, the reason for the refusal.

#### CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-9. Issuance of license or permit; renewal; fees.**

*Current through the end of the 2010 Regular Session.*

(a) A license or permit issued under the seal of the board and signed by the secretary of the board shall entitle the holder to practice the profession listed on the license or permit.

(b) To receive a personal license, an applicant shall meet any of the following requirements or conditions:

(1) Satisfy legal requirements, complete required hours as an apprentice or student, pay the appropriate examination fee, pass the appropriate examination, and pay the required license fee.

(2) Be currently licensed in good standing in another state or jurisdiction, provide documentation of having passed a board approved examination, and pay the required license fee.

(3) Be currently licensed in good standing in another state or jurisdiction, provide documentation of having practiced as a licensee in the appropriate field for at least five years before application, and pay the required license fee.

(4) Be otherwise qualified, pay the appropriate examination fee, pass the appropriate examination, and pay the required license fee.

(c) A personal license shall expire on the last day of the birth month of the licensee in odd-numbered years. An application for renewal received more than five days after the expiration date shall be assessed a late penalty fee.

(d) To receive a business license, an applicant shall satisfy all legal requirements and pay the required license fee.

(e) A business license shall expire on the last day of September in odd-numbered years. An application for renewal received more than 31 days after the expiration date shall be assessed a late penalty fee.

CREDIT(S)

(Act 99-345, p. 478, § 3; Act 2004-104, p. 143, § 3.)

**§ 34-7A-10. Payment of fees.**

*Current through the end of the 2010 Regular Session.*

Fees for examination, licensure, and certification shall be paid in advance to the board and deposited each month into the State Treasury to the credit of a fund for the use of the board.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-11. Fee schedule.**

*Current through the end of the 2010 Regular Session.*

A fee schedule established by the board shall include, but not be limited to, all of the following:

- (1) Original issuance and renewal fees for any personal license regulated by the board.
- (2) Fees for upgrading a personal license during the renewal period and for upgrading a personal license to a manager or master license.
- (3) Renewal fees for a personal license on inactive status.
- (4) Fees for restoring an inactive license to active status.
- (5) Original issuance and renewal fees for salons, booth renters, and cosmetic studios.
- (6) Original issuance and renewal fees for schools of cosmetology, schools of manicuring, and schools for estheticians.
- (7) Original issuance and renewal fees for applicants seeking licensure by reciprocity.
- (8) Penalty fees for late renewal of any license.
- (9) Examination and reexamination fees for students in public or private schools.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-12. Change of name or address.**

*Current through the end of the 2010 Regular Session.*

- (a) A personal licensee shall notify the board immediately of any name or address change and the board shall retain that information on file for renewal and inspection purposes.
- (b) Each salon, booth renter, and cosmetic studio shall notify the board immediately of any name or address change and the board shall retain that information on file for renewal and inspection purposes.
- (c) Each salon, booth renter, and cosmetic studio which relocates to a different county shall obtain a new license from the board before moving.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-13. School registration.**

*Current through the end of the 2010 Regular Session.*

(a) Application for school registration shall be filed with the board on forms provided by the board.

(b) No school shall be granted a certificate of registration unless all of the following requirements are satisfied:

(1) The school employs and maintains two competent instructors, at least one for every 20 students in attendance, at any one time. If the school has more than 20 students enrolled, the school shall employ an additional instructor. If the school has less than 20 students enrolled, the school shall employ one instructor and one on-call instructor.

(2) The school possesses apparatus and equipment sufficient for the proper and complete teaching of all subjects in its curriculum.

(3) The school keeps a daily attendance record of each student.

(4) The school maintains regular classes and instruction hours, establishes grades, and conducts examinations before issuing diplomas.

(5) The school requires a school term of training for a complete course with the minimum number of hours therein prescribed.

(6) The school includes practical demonstrations, theoretical studies, and study in sanitation, sterilization, other safety measures and the use of antiseptics, cosmetics, and electrical appliances, consistent with the practical and theoretical requirements applicable to cosmetology or any practice of either.

(7) The school certifies that all furniture, equipment, tools, appliances, floors, and ceilings, are kept in a clean, sanitary, and safe condition.

(c) A school that enrolls student instructors shall not have at any one time more than two student instructors for each licensed instructor actively engaged in the school. A school engaged only in the teaching of estheticians or manicurists shall not be required to provide instruction in other practices of cosmetology but shall meet all other requirements imposed by the board upon a school of cosmetology pertaining to instructors, attendance records, enrollments, and other matters.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-14. Display of certificate.**

*Current through the end of the 2010 Regular Session.*

Each holder of a certificate or license granted by the board shall display the certificate or license in a conspicuous place in his or her principal office, place of business, or place of employment, and each license or certificate shall have attached thereto a picture of the



licensee made not more than three years prior to the date the license was issued.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-15. Refusal, revocation, etc., of certificate or license.**

*Current through the end of the 2010 Regular Session.*

(a) The board may refuse to grant, or may revoke or suspend, a license or a certificate of registration upon proof of violation of this chapter or any rule or regulation promulgated by the board.

(b)(1) The board may, for any of the following reasons, refuse to grant or renew, or may revoke or suspend the license or certificate of registration of any applicant, licensee, or holder who:

- a. Is found guilty of fraud or dishonest conduct in taking the examination.
- b. Has been convicted of a felony or gross immorality, or is guilty of grossly unprofessional or dishonest conduct.
- c. Is addicted to the excessive use of intoxicating liquor or to the use of drugs to an extent that he or she is rendered unfit to practice any profession regulated by the board.
- d. Advertises by means of knowingly false or deceptive statements.
- e. Fails to display his or her license or certificate as required by this chapter.

(2) The board may not refuse to grant, refuse to renew, revoke, or suspend any license or certificate without a hearing. The affected applicant, licensee, or holder of a certificate shall be given at least 20 days' notice in writing of the hearing, specifying the reasons for the action by the board and any offense charged. Notice may be served by registered or certified mail to the last known residence or business address of the applicant, licensee, or holder of a certificate. The hearing shall be held in Montgomery County at a time and place prescribed by the board.

(c) In addition to any disciplinary powers authorized by this section, the board may levy and collect an administrative fine of not more than five hundred dollars (\$500) per violation for serious violations of this chapter or the rules or regulations of the board.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-16. Findings, orders of board.**

*Current through the end of the 2010 Regular Session.*

Any finding or order of the board, obtained pursuant to an inquiry or hearing conducted before a majority of the members of the board, shall be deemed the finding or order of the board when approved and confirmed by a majority of the members of the board.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-17. Appeal.**

*Current through the end of the 2010 Regular Session.*

Notwithstanding any other provision of law, a person who has exhausted all administrative remedies available through the board, other than a rehearing, and who has been aggrieved by a final decision in a contested case, shall be entitled to an appeal in accordance with Section 41-22-20. A decision by the board to refuse to issue or renew a license, or to revoke, suspend, or otherwise restrict a license or limit or otherwise discipline a licensee, shall be subject to those provisions regarding stays pursuant to subsection (c) of Section 41-22-20. A decision that a candidate for licensure has failed any examination given by the board shall not be considered a final order reviewable by any court.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-18. Construction of chapter.**

*Current through the end of the 2010 Regular Session.*

This chapter shall not be construed to affect or regulate the teaching of cosmetology or any of its practices in any public school.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-19. Exemption from chapter.**

*Current through the end of the 2010 Regular Session.*

- (a) This chapter shall not apply to any of the following activities or services:
- (1) Service in the case of emergency or domestic administration, without compensation.
  - (2) Services by persons authorized under the laws of this state to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractic or the occupation of a masseur.
  - (3) The services by any barber, including barber's apprentices and shop boys, when engaged in any of the following practices:
    - a. Arranging, cleaning, cutting, styling, dressing, curling, applying permanent curling or styling solution, waving, bleaching, coloring, applying any cosmetic chemical preparation to or singeing the hair of any person.
    - b. Massaging, cleansing, stimulating, exercising, or similar work upon the scalp, face, or neck of any person with the hands, or with mechanical or electrical apparatus or

appliance, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(4) The services of personnel of the United States Army, Navy, Air Force, or Marine Corps.

(5) The services of registered nurses doing any of the acts or works defined as cosmetology.

(6) To the teaching or practice of cosmetology in training public school or trade school pupils.

(7) To any person who only occasionally dresses hair and receives no compensation therefor, or does any other act or thing mentioned in this chapter without holding himself or herself out to the public as a practicing cosmetologist.

(8) To any public trade school or other public school or school program under the purview of the State Board of Education or a local board of education.

(9) To departments in retail establishments where cosmetics are demonstrated and offered for sale but where no other acts of cosmetology are performed.

(b) Any person who knowingly interferes with any service, practice, or action exempted from this chapter shall be guilty of a Class A misdemeanor.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-20. Duration, expiration, and reinstatement of license; records.**

*Current through the end of the 2010 Regular Session.*

(a) No license issued by the board shall be valid for more than two years.

(b) An expired license may be reinstated within three years after the date of expiration by paying renewal fees for the lapsed period, a current renewal fee, and a late fee.

(c) A license which has been expired for more than three years may be reinstated by furnishing proof of prior licensure, paying the appropriate practical examination fee, passing the appropriate practical examination, and paying renewal fees for the lapsed period, a current renewal fee, and a late fee.

(d) The record of any licensee, student, apprentice, or examination candidate who does not renew within four years or which does not indicate any activity for four years may be purged by the board.

CREDIT(S)

(Act 99-345, p. 478, § 3; Act 2004-104, p. 143, § 3.)

**§ 34-7A-21. Salon, shop, or booth license.**

*Current through the end of the 2010 Regular Session.*

Any person desiring to obtain a salon license, shop license, or booth license shall submit a written request to the board for an application. A salon or shop that loses its managing or master licensee shall immediately notify the board, hire a new manager or master licensee, and submit an affidavit completed by the new manager or master to the board.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-22. Qualifications of applicants for examination, registration, etc.**

*Current through the end of the 2010 Regular Session.*

No person may be admitted to examination, registered, licensed, or issued a certificate by the board unless he or she possesses the following applicable qualifications:

(1) Apprentice. A cosmetologist, esthetician, or manicurist apprentice shall be registered with the board upon beginning an apprenticeship in a licensed shop or salon and paying the original registration fee. An apprentice shall be at least 16 years of age at the time of registration and shall have an education equivalent to the completion of 10 grades in school. Any salon or shop which trains an apprentice shall immediately file with the board the name and age of the apprentice, and the board shall retain that information in a register kept for that purpose. An apprentice shall not be concurrently enrolled in a school licensed pursuant to this chapter except for six hours of theory training per week. An esthetician salon may only train an apprentice esthetician for license under the direction of a master or instructor esthetician. A manicurist salon may only train an apprentice manicurist for license under the direction of a master or instructor manicurist.

(2) Cosmetologist. Except as otherwise provided in this chapter, no person may be licensed as a cosmetologist in any one or a combination of the practices of cosmetology unless he or she pays the original licensing fee, has an education equivalent to the completion of 10 grades in school, has passed the applicable examination to the satisfaction of the board, and has successfully completed either of the following:

a. A complete course of cosmetology, consisting of all or a majority of the practices thereof, in a school of cosmetology, consisting of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of continuous training, not exceeding eight hours a day, or a course of study in a public school or trade school consisting of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of training.

b. An apprenticeship in a cosmetology salon for not less than 3,000 hours of training over a maximum three-year period, not exceeding eight hours a day.

(3) Cosmetologist instructor.

a. Except as otherwise provided in this chapter, no person may be licensed as an instructor in any one or a combination of the practices of cosmetology unless he or she

pays the original licensing fee, is a licensed cosmetologist, and, to be eligible for admission to examination, has successfully completed either of the following:

1. Not less than 1,250 credit unit hours nor more than 1,700 actual clock hours in a teacher's training course in cosmetology in a school of cosmetology, or a course of study in a public school or trade school consisting of not less than 1,250 credit unit hours nor more than 1,700 actual clock hours of training.

2. At least one year of experience as an active practicing cosmetologist before enrollment as a student instructor, supplemented by not less than 650 hours in a teacher's training course in cosmetology in a school of cosmetology.

b. To be eligible to enroll in a teacher's training course, a cosmetologist shall have an education equivalent to the completion of 12 grades in school.

c. A cosmetologist instructor shall complete 16 hours of course study in continuing education from a board-approved seminar during each licensing period.

(4) Demonstrator. A demonstrator shall obtain a license from the board before conducting a demonstration. The requirements for a demonstrator's license include, but are not limited to, submission to the board of a health card, two photographs, a notarized application, and the applicable fee.

(5) Esthetician. Except as otherwise provided in this chapter, no person may be licensed as an esthetician unless he or she pays the original licensing fee, has an education equivalent to the completion of 10 grades in school, has passed the applicable examination to the satisfaction of the board, and has successfully completed either of the following:

a. A complete course of skin care, consisting of all or a majority of the practices thereof, in a school of cosmetology or school for estheticians, consisting of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of continuous training, not exceeding eight hours a day, or a course of study in a public school or trade school consisting of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of training.

b. An apprenticeship in a cosmetology salon or esthetician salon for not less than 3,000 hours of training over a maximum three-year period, not exceeding eight hours a day.

(6) Esthetician instructor. Except as otherwise provided in this chapter, no person may be licensed as an esthetician instructor unless he or she pays the original licensing fee, is a licensed cosmetologist or esthetician, and, to be eligible for admission to examination, has successfully completed not less than 1,250 credit unit hours nor more than 1,700 actual clock hours in a teacher's training course in skin care in a school of cosmetology or school for estheticians. To be eligible to enroll in a teacher's training course, an esthetician shall have an education equivalent to the completion of 12 grades in school. An esthetician instructor shall complete 16 hours of course study in continuing education from a board-approved seminar during each licensing period.

(7) Managing cosmetologist. Except as otherwise provided in this chapter, no person

may be licensed as a managing cosmetologist unless he or she pays the original licensing fee, is a licensed cosmetologist, and has held an active license for at least one year before application.

(8) Managing esthetician. Except as otherwise provided in this chapter, no person may be licensed as a managing esthetician unless he or she pays the original licensing fee, is a licensed esthetician, and has held an active license for at least one year before application.

(9) Managing manicurist. Except as otherwise provided in this chapter, no person may be licensed as a managing manicurist unless he or she pays the original licensing fee, is a licensed manicurist, and has held an active license for at least one year before application.

(10) Manicurist. Except as otherwise provided in this chapter, no person may be licensed as a manicurist unless he or she pays the original licensing fee, has an education equivalent to the completion of 10 grades in school, has passed the applicable examination to the satisfaction of the board, and has successfully completed either of the following:

a. A complete course of manicuring, consisting of all or a majority of the practices thereof, in a school of cosmetology or school of manicuring, consisting of not less than 600 credit unit hours of continuous training, not exceeding eight hours a day, or a course of study in a public school or trade school consisting of not less than 600 credit unit hours of training.

b. An apprenticeship in a cosmetology salon or manicurist salon for not less than 1,200 hours of training over a maximum three-year period, not exceeding eight hours a day.

(11) Manicurist instructor.

a. Except as otherwise provided in this chapter, no person may be licensed as a manicurist instructor unless he or she pays the original licensing fee, is a licensed cosmetologist or manicurist, and, to be eligible for admission to examination, has successfully completed either of the following:

1. Not less than 1,250 actual clock hours in a teacher's training course in manicuring in a school of cosmetology or school of manicuring, or a course of study in a public school or trade school consisting of not less than 1,250 actual clock hours of training.

2. At least one year of experience as an active practicing cosmetologist or manicurist before enrollment as a student instructor, supplemented by not less than 650 hours in a teacher's training course in cosmetology or manicuring in a school of cosmetology or school of manicuring.

b. To be eligible to enroll in a teacher's training course, a manicurist shall have an education equivalent to the completion of 12 grades in school.

c. A manicurist instructor shall complete 16 hours of course study in continuing education from a board-approved seminar during each licensing period.

(12) Master cosmetologist or master esthetician or master manicurist. Any person

licensed as a managing cosmetologist, managing esthetician, or managing manicurist, who pays the original licensing fee and completes a course of study in continuing education approved by the board within a licensing period, may be issued a master license. The master license is an optional license available upon renewal to those licensees who voluntarily complete the continuing education requirements.

(13) Student cosmetologist.

a. Upon certification of enrollment by a school of cosmetology, the name and birth date of each student cosmetologist shall be entered by the board in a register kept for that purpose. A student cosmetologist shall be at least 16 years of age at the time of registration and shall have an education equivalent to the completion of 10 grades in school. Registration with the board shall be on forms provided by the board.

b. A student who has completed 70 percent of the required school instructional hours may, when school is not in session, work in a cosmetology salon. One student trainee shall be allowed for the first master or managing cosmetologist and one additional student trainee shall be allowed for each three additional cosmetologists on staff.

c. Within 90 days after a student completes the required school instructional hours and training, the appropriate instructor shall schedule an examination of the student with the board. If application for examination is not received within the 90-day period, the applicable instructional hours and training shall be invalidated.

(14) Student esthetician. Upon certification of enrollment by a school of cosmetology, or school for estheticians, the name and birth date of each student esthetician shall be entered by the board in a register kept for that purpose. A student esthetician shall be at least 16 years of age at the time of registration and shall have an education equivalent to the completion of 10 grades in school.

(15) Student instructor. Upon certification of enrollment by a school of cosmetology, school for estheticians, or school of manicuring, the name, birth date, and qualifications of each student instructor shall be entered by the board in a register kept for that purpose. At the time of enrollment, a student instructor shall be licensed as a cosmetologist, esthetician, or manicurist and shall have an education equivalent to the completion of 12 grades in school. Upon completing the instructional course prescribed for student instructors, a student instructor may apply to the board for examination, on a form provided by the board, and pay any applicable examination fee. Any applicant who passes the examination to the satisfaction of the board and pays the original licensing fee of an instructor shall be issued an instructor's license by the board. A school for estheticians may only train esthetician student instructors for licensure. A school of manicuring may only train manicurist student instructors for licensure.

(16) Student manicurist. Upon certification of enrollment by a school of cosmetology or school of manicuring, the name and birth date of each student manicurist shall be entered by the board in a register kept for that purpose. A student manicurist shall be at least 16 years of age at the time of registration and shall have an education equivalent to the completion of 10 grades in school.

CREDIT(S)

(Act 99-345, p. 478, § 3; Act 2006-158, p. 227, § 3.)

**§ 34-7A-23. Teacher's permit.**

*Current through the end of the 2010 Regular Session.*

The board may issue a teacher's permit to any person licensed to practice in any field related to cosmetology, skin care, or manicuring. Before a permit is issued, the licensee shall apply to the board, pay the applicable fee, and provide proof of qualifications. A teacher's permit entitles the holder to teach theory only in the field in which he or she is licensed to practice.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-24. Licensure, etc., under former chapter.**

*Current through the end of the 2010 Regular Session.*

For the purposes of this chapter, any person or entity properly licensed, certified, or registered by the Alabama Board of Cosmetology on June 3, 1999, shall be similarly licensed, certified, or registered by the Alabama Board of Cosmetology as created by this chapter, without penalty, for the time remaining on the license of the licensee.

CREDIT(S)

(Act 99-345, p. 478, § 3.)

**§ 34-7A-25. Continuation of board.**

*Current through the end of the 2010 Regular Session.*

The existence and functioning of the Alabama Board of Cosmetology, created and functioning pursuant to Sections 34-7-1 to 34-7-47, inclusive, is continued pursuant to the this newly-created chapter. All rights, duties, property, real or personal, and all other effects existing in the name of the Alabama Board of Cosmetology, or in any other name by which the board has been known, shall continue in the name of the Alabama Board of Cosmetology. Any reference to the Alabama Board of Cosmetology, or any other name by which the board has been known, in any existing law, contract, or other instrument shall constitute a reference to the Alabama Board of Cosmetology as created in this chapter. All actions of the Alabama Board of Cosmetology lawfully done prior to June 3, 1999, by the board or by the executive director, are approved, ratified, and confirmed. The board as constituted on June 3, 1999, shall constitute the board under this chapter.

CREDIT(S) (Act 99-345, p. 478, § 2.)



## **Board Members**



### **ALABAMA BOARD OF COSMETOLOGY**

**RSA Union Building  
PO Box 301750  
Montgomery, AL 36130-1750  
334-242-1918 Office • Toll Free 1-800-S 15-7453 • Fax 334 242 1926  
Members of the Alabama Board of Cosmetology**

Name	Position	Mailing address	Expiration of term	Original date of appointment
Floyd McDonald	District 1 Master Cos	Mobile, AL	5/18/2011	4/17/2006
Evonne Bennett	District 2 Master Cos	Dothan, AL	5/18/2013	4/17/2006
Eric Williams	District 3 Master Cos	Auburn, AL	5/18/2012	5/18/2009
Tracy White Smith	District 4 Instructor	Cullman, AL	4/14/2014	5/18/2009
Kathy Linden	District 5 Consumer	Huntsville, AL	4/14/2014	4/17/2006
Clifford Pope	District 6 Instructor	Hueytown, AL	4/14/2014	4/14/2010
Wendy Merriweather	District 7 Instructor	Birmingham, AL	4/9/2010	4/17/2006
Officials		Contact	Term	
Bob McKee	Executive Director	P.O. Box 301750 Montgomery, AL	Indefinite	
Monet Gaines	Attorney	Attorney General's Office	Until April, 2010	
Billington Garrett	Attorney	Attorney General's Office	Indefinite	

Sincerely,

**McKee**  
Bob McKee  
Executive Director

## Response to Significant Issues



### ALABAMA BOARD OF COSMETOLOGY

RSA UNION BUILDING

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**Bob McKee**  
*Executive Director*

**Kathy Linden**  
*President*

June 1, 2011

Mr. John Norris  
Examiners of Public Accounts  
50 North Ripley Street, Room 3201  
Montgomery, AL 36104-3833

Dear Mr. Norris:

In response to your findings for this board we offer the following comments:

#### **Significant Issue 2011-01**

The Board currently has a policy of approving all applicants who meet requirements for continuing education courses, allowing free enterprise to dictate when and where courses are offered. If greater numbers of providers apply, then licensees would have a greater list of options. The requirements have been relaxed as far as locations and numbers offered by individual providers, and in addition there are several on-line providers which offer courses. The Board feels the current offerings are adequate, and unless the number of providers drops significantly, feels there is no reason for action.

**Significant Issue 2011-02**

Proposed rules changes are published in the Administrative Monthly in compliance with the Administrative Procedures Act and also posted on the Board web site. When they become effective, they are taken off the web site and incorporated into the rules and laws featured on the web site. A flyer outlining the new rules is mailed to all salons licensed by the Board and to all schools registered with the Board. Except for one instance, an annual copy of the updated rule book has been mailed to each salon licensed with the Board and each school registered with the board. Copies of rule books are routinely sent with newly issued or renewed personal and business licenses. A new rule book is under development to be mailed to all salons and schools with renewal applications beginning in September, 2011.

**Prior Significant Issue 2006-01**

Those who provide personal services in the marketplace are being affected by general weak economic conditions. Many are grasping for ways to operate less expensively, which may include turning in their licenses or allowing them to expire and then practicing as barbers. The broad barber exemptions in the law governing the Board make it difficult to enforce the Board's regulations except in the few counties which have barber boards or commissions.

Consistent with the Examiners' observations, the Board has not been successful in achieving any changes to the current laws relating to unlicensed salons operating as barbers. The latest effort was HB 531, presented to the 2011 session of the legislature. This bill was designed to create a combined board of barbers and cosmetologists to regulate the beauty related professions. Financial crises took priority over every secondary issue, and the bill did not get due attention by the legislature. Until this problem is resolved with proper legislation, the Board will continue to be hamstrung in fulfilling its regulatory responsibilities.

With the proliferation of health risks in the marketplace such as Methicillin-Resistant Staphylococcus aureus, (MRSA), it seems inconsistent for a whole industry of personal services provided by barbers to remain unregulated.

Thanks for your attention, and please let me know if you any questions.

Sincerely,

Bob McKee